

STUDENT REGULATIONS 2026



ST JOHN'S COLLEGE
within the University of Sydney



REGULATIONS

for students of

Saint John's College within the
University of Sydney

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FOREWORD

This volume contains a number of important documents for students of St John's College. It should be read in conjunction with the current edition of the *Student Handbook*: these two volumes go together.

A few observations may be made about the documents in *Regulations*:

1. The ***Student Contract*** sets out some fundamentals about your relationship with the College, which has the legal form of a contract between the student and the corporation which is the College (the College's legal name is 'The Rector and Fellows of Saint John's College').
2. The ***SJC Student Code of Conduct*** sets out expectations about your behaviour and conduct while you are a student at St John's.
3. The ***General Regulation***, as its name implies, is a rulebook covering many aspects of life at St John's. The legal basis for this document (and the others in this volume) is the *Saint John's College Act 2018*, passed by the New South Wales Parliament, which is the College's constituting statute.
4. The ***SJC Sexual Misconduct and Sexual Harassment Policy*** explains what behaviour is prohibited, how to make a disclosure or complaint, how the College will respond to a complaint, and what support is available. This policy should be read in conjunction with section 7.4 in the *Student Handbook*.
5. The ***SJC Student Complaints Procedure*** explains how to make a formal complaint and how the College will respond.
6. The College's ***Privacy Policy*** is made in accordance with the *Australian Privacy Principles* contained in the *Privacy Act 1988* (Cth).

These documents are connected with each other and in a sense form a whole. There are cross-references within the documents which will help you to navigate between them. In addition, the Table of Provisions at the front of the volume will assist you to find what you are looking for.

If you have any questions about the contents of *Regulations*, please feel free to ask a member of the College staff. I would be happy to discuss your enquiry, or you might wish to consult one of our Support Advisers.

With best wishes,

A handwritten signature in blue ink, appearing to read 'Mark Schembri', written in a cursive style.

Dr Mark Schembri
Rector

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STUDENT CONTRACT

Part 1 – Your contract with the College

1. Parties to and terms of your Contract

- 1.1 Your Contract is made with the Rector and Fellows of Saint John's College, the legal entity for St John's College (hereinafter referred to as "the College").
- 1.2 Your Contract with the College comprises:
 - (a) the terms and conditions in this document;
 - (b) the *General Regulation* and the *SJC Student Code of Conduct*; and
 - (c) College rules and policies which apply to you.

2. Definitions

College Fees is defined as:

- (a) the fees and other obligatory charges stated in the Student Fees Schedule for the Contract Period, and
- (b) any fees, charges or fines applied or incurred in accordance with the College's published policies.

Contract Period means the semester period or other period stipulated in your offer email or re-admission email.

Due Date means:

- (a) for a student seeking re-admission in Semester 1 of the subsequent year, 1 September in the preceding year; or
- (b) for a student seeking re-admission in Semester 2 of a year, 1 April in that year.

Due Notice of Departure is defined as:

- (a) for a student departing at the end of Semester 1, notice given on or before 1 April in the Contract Period; or
- (b) for a student departing at the end of Semester 2, notice given on or before 1 September in the Contract Period.

Semester is defined as the College's Autumn Residency Period, which covers the University of Sydney Semester 1, or the College's Spring Residency Period, which covers the University of Sydney Semester 2.

Public Health Emergency means conditions caused by, arising from or relating to any pandemic, epidemic or outbreak of disease including (but not limited to) COVID-19, such conditions including (but not being limited to) public health regulations or restrictions, stay-at-home orders or lockdowns, and disruptions to travel whether international, interstate or local.

3. Re-admission

- 3.1 The offer of a place at the College is for the Contract Period only. To be re-admitted for a subsequent period you must make an application for re-admission by the Due Date. Re-admission is at the discretion of the Rector.

4. Release after one semester

- 4.1 If your Contract Period extends over two semesters, you may be eligible for early release from this Contract only at the end of the first of those semesters, and only if:
 - (a) you have requested early release by 1 April or 1 September (as the case may be) in the Contract Period; and
 - (b) the College has an active waiting list and is able to replace you with another student acceptable to the Rector.

- 4.2 If the College releases you from this agreement prior to the expiry of the Contract Period, you will remain liable for College Fees until the College replaces you with another student acceptable to the Rector.

Part 2 - Fees

5. Entire fee

- 5.1 You agree to pay the College Fees for the Contract Period. No refund, credit or rebate will be allowed for absences from the College during the Contract Period.

6. Public Health Emergency

- 6.1 No refund, credit or rebate of College Fees will be allowed in respect of circumstances relating to a Public Health Emergency.
- 6.2 The College will not be liable for any loss or expense you may incur in relation to a Public Health Emergency.

7. Unpaid fees

- 7.1 If your Contract Period extends over two semesters, the College may refuse permission for you to continue as a student for the second of those semesters if College Fees are unpaid on the day six weeks prior to the commencement of lectures in that semester.
- 7.2 You agree to pay any costs incurred in recovering money which you owe to the College, including expenses of debt collection and legal costs on an indemnity basis.

8. Refund of Commitment Bond and Caution Money

- 8.1 The College will refund amounts standing to the credit of the Commitment Bond and Caution Money in your account upon your final departure from College, subject to:
- (a) your having given Due Notice of Departure, and

- (b) deduction for any amount owing for fees, charges or damages.
- 8.2 The College is not liable to refund such amounts if Due Notice of Departure has not been given.
- 8.3 If you apply for re-admission in a semester by the applicable Due Date and you do not return to College in that semester, you will not have given Due Notice of Departure.

Part 3 – Rules and policies

9. Rules, regulations and policies

- 9.1 It is essential to adhere to the College's *General Regulation, SJC Student Code of Conduct*, and other rules, regulations and policies that are applicable at any given time. These guidelines are outlined in the Student Handbook or communicated through other means.
- 9.2 You agree to comply with the procedures for managing breaches of such rules, regulations and policies, including any disciplinary sanction that may be applied.

10. Authority of Rector and staff

- 10.1 You acknowledge that the Rector has the general superintendence and control of students within the College. The Rector has the authority to issue directions to students, enforce compliance with said directions, and may delegate this power accordingly.
- 10.2 You must observe all lawful directions of the Rector, staff and other persons exercising delegated authority.

Part 4 - Consents

11. Access to enrolment information and results

- 11.1 By entering into this agreement, you provide your consent for the

College to obtain information related to your course enrolment and academic results.

- 11.2 Additionally, you grant consent for the University of Sydney and/or any other institution where you are enrolled to share information regarding your course enrolment and results with the College upon request.

12. Disclosure of health information

- 12.1 The College is committed to safeguarding a student's privacy concerning health-related information. However, there may be situations where, at the College's discretion, the student's best interests necessitate the disclosure of health information to a parent or guardian.
- 12.2 By agreeing to the contract, you provide consent for the College to contact your parent(s) or guardian(s) under the following circumstances:
- (a) you are involved in a medical emergency;
 - (b) you are admitted to a hospital; or
 - (c) you display symptoms of a serious medical condition including a mental health condition.

13. Information for student leadership team

- 13.1 By agreeing to this contract, you provide consent for the College to share the following information with the College's student leadership team: your name, age, mobile phone number, email address, course enrolment details, and information related to your sporting and cultural interests and experiences.

14. Notification of misconduct to University

- 14.1 Under some circumstances the College may notify the University about a student's misconduct. This action may be taken if the conduct is deemed serious enough to warrant expulsion or other severe disciplinary measures, even after the individual ceases to be a student at the College.

- 14.2 By entering into this contract, you provide consent for the College of any incident involving your conduct that a fair-minded person would regard as serious enough to justify expulsion from the College or other significant disciplinary actions.

15. Use of images

- 15.1 You consent to the College reproducing or publishing images of you (whether by electronic, printed or other media) without any entitlement to remuneration or compensation.

Part 5 – Health measures

16. Precautions

- 16.1 You must take reasonable measures to safeguard your own health in accordance with public health advice and guidelines.
- 16.2 You must observe all measures put in place by the College to safeguard the health of members of the College community. These measures may include restrictions on the use of areas of the College (for example, limiting the number of people permitted in nominated spaces including student bedrooms); restrictions on permitted visitors to the College; and changes in arrangements for the provision of meals.

17. Move-in procedures

- 17.1 You must comply with all move-in procedures which the College has in place, which may include completing a health declaration and having your temperature tested upon arrival at the College.
- 17.2 If you required to complete a health declaration you must answer truthfully all questions on that declaration.

[end of document]

SJC STUDENT CODE OF CONDUCT

Part 1 – Preliminary

1. How made
 - 1.1 This Regulation is made by the Rector under the *Saint John's College Act 2018* and the *St John's College By-law*.
2. Citation
 - 2.1 This Regulation may be cited as the *SJC Student Code of Conduct*.
3. Commencement
 - 3.1 This Regulation has effect from 17 October 2016.
4. Interpretation
 - 4.1 In this Regulation –

Code means this *SJC Student Code of Conduct*.

Dean refers to the Rector in this document.

expel means deprive a student permanently of his or her student membership of the College.

rusticate means withdraw the right of access to the College's land, buildings and facilities for a specified period or until the fulfilment of specified conditions.

Sexual Misconduct Policy means the *SJC Student Sexual Misconduct and Sexual Harassment Policy*

student includes:

- (a) a person who has been admitted as either a resident student of the College or an affiliate student of the College, for the duration of such admission; and
- (b) any other person resident in the College.

5. Application of this Code
 - 5.1 Students are obliged to observe this Code in relation to their conduct both within the precincts of the College and elsewhere, including on social media and other internet sites.
 - 5.2 This Code also applies to all persons resident in the College who are not students including senior members and tutors.
 - 5.3 In addition to this Code, University of Sydney codes and policies may apply to the conduct of students both within the College precincts and elsewhere, in accordance with the terms of such codes or policies.

Part 2 – Mission, Vision and Culture

6. Mission and Vision
 - 6.1 **Mission:** St John's College is a Catholic university college which enables young men and women to immerse themselves in university life through:
 - a welcoming residential environment for students from different backgrounds;
 - an experience of community living with social, sporting, religious and cultural opportunities;
 - assistance to foster academic achievement;
 - an opportunity to engage with the Catholic faith and its intellectual tradition;
 - supportive pastoral care;
 - formation in leadership through service to others.
 - 6.2 **Vision:** Students will leave the College:
 - ready to embrace life's challenges,
 - having made life-long friends,
 - as committed and engaged St John's alumni, and
 - wanting to contribute to the Catholic and broader communities.
7. Culture and values
 - 7.1 St John's culture is committed to:

- participation of all St John's students in the communal life of the College;
 - high academic standards, critical and open inquiry, intellectual rigour;
 - the compatibility of intellectual inquiry with the Christian Gospel;
 - high standards of ethical behaviour and social responsibility;
 - service to those less advantaged;
 - respect, honesty and charity.
- 7.2 St John's welcomes diversity amongst its students and staff, recognising that contributions to the College's Mission can be made by individuals from a wide range of backgrounds and experiences.
- 7.3 We strive to ensure that all members of the College community are recognised and respected as valued friends, companions and partners in our joint endeavours.

Part 3 – Conduct generally

8. Ethical conduct

8.1 All students must:

- treat all other students, College staff, and visitors with respect, courtesy and consideration;
- act honestly and ethically in their dealings with other students, College staff and visitors;
- maintain a cooperative and collaborative approach to interpersonal relationships;
- respect the privacy of other students, College staff and visitors;
- respond truthfully to College officers in a disciplinary matter;
- treat the College's buildings, artefacts and other property with due respect;
- refrain from conduct which adversely affects the good reputation of the College;
- ensure that they do not impede other students or College staff from carrying out their academic work or using the resources of the College;

- respect the residents, buildings and artefacts of other colleges and observe their local rules when present on their property.
9. Examples of breaches
- 9.1 Conduct which may breach the Code would include:
- spreading innuendo, gossip, or rumour;
 - excessive or repeated disruption to the study conditions of others;
 - lying to, or attempting to mislead or deceive, College officers;
 - conduct which may bring the College into disrepute (whether or not as an intended consequence);
 - use of information technology contrary to regulations;
 - use of cameras, including phone cameras, in ways that violate the privacy of others;
 - making a false allegation against a person;
 - displaying or forwarding pornography;
 - publication (including electronically) of racist material;
 - public nudity, whether within or outside the College grounds;
 - damage to property or theft;
 - engaging in inappropriate external employment or activities;
 - possession, consumption or supply of illicit drugs.

Part 4 – Harassment and unlawful discrimination

10. Harassment and unlawful discrimination
- 10.1 Students, College staff and visitors have a right to study and work in an environment that is free from harassment and unlawful discrimination, and to be treated with dignity and respect, regardless of their background, beliefs or culture.
- 10.2 Students have a responsibility to ensure that they do not engage in or encourage harassment or unlawful discrimination. The College does not tolerate any form of harassment, vilification or victimisation. Such behaviour is likely to amount to serious misconduct for disciplinary purposes.

10.3 The College maintains a Zero Tolerance Policy towards any form of harassment, intimidation or victimisation (including but not limited to any form of initiation ritual) directed towards another student or any other person at the College. Students taking an active or even passive role in any such activity can expect to be expelled or to suffer rustication for a substantial period.

11. Definitions relevant to harassment

11.1 A person **harasses** another person where he or she engages in unwanted and unwarranted conduct which has the purpose or effect of:

- (a) violating that other person's dignity, or
- (b) creating an intimidating, hostile, degrading or humiliating environment for that other person.

The recipient does not need to have explicitly stated that the behaviour was unwanted.

11.2 Harassment may involve repeated forms of unwanted and unwarranted behaviour, but a single incident can amount to harassment.

11.3 A person's intentions or motives are relevant but not determinative in deciding whether their behaviour amounts to harassment. The perception of the recipient and the extent to which that perception is in all the circumstances reasonable are also relevant. Just because certain behaviour may be acceptable to the alleged harasser or a third person does not mean it is not harassment.

11.4 Being under the influence of alcohol or otherwise intoxicated is not an excuse for harassment.

11.5 Acts of harassment may be unlawful under federal or State laws. Harassment on grounds of sex, race, religion, disability, sexual orientation or age may amount to unlawful discrimination.

11.6 Vigorous academic debate will not amount to harassment when it is conducted respectfully and without violating the dignity of others

or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

11.7 Reasonable and proper management instructions administered in a fair and proper way, or reasonable and proper review of a student's work and/or performance will not constitute harassment.

11.8 ***Stalking*** is a form of harassment and may be characterised as repeated and unwanted behaviour which could involve, for example:

- following, contacting, or attempting to contact a person;
- watching or spying on a person;
- monitoring a person's communications;
- publishing material relating to a person.

11.9 ***Victimisation*** occurs where a person is subjected to detrimental treatment because he or she has, in good faith,

- made an allegation of harassment, or
- assisted another person in making such an allegation, or
- participated in an investigation.

11.10 Victimisation in connection with the making of a complaint of harassment may result in a disciplinary process regardless of the outcome of the original complaint of harassment.

11.11 Conduct which is intended to dissuade a person from participating in an investigation or otherwise providing information to College authorities may constitute victimisation or harassment.

12. Examples of harassment

12.1 The following conduct could constitute harassment in breach of this Code:

- racist language or behaviour;
- insulting, abusive or patronising behaviour or comments;
- publication (including electronically) or material which is disparaging, sexually explicit, misleading or false;

- humiliating, intimidating or demeaning criticism;
- isolation or exclusion from normal work or study places, conversations, or social events;
- open hostility;
- verbal or physical threats;
- unwanted physical contact or assault.

13. Bullying

13.1 Bullying is a form of harassment which is likely to amount to serious misconduct for disciplinary purposes and result in expulsion or termination of residence.

13.2 ***Bullying*** occurs when a person is subjected to behaviour which:

- (a) is aggressive, intimidating or humiliating; and
- (b) involves a misuse of a real or perceived power imbalance, which may arise for example from seniority, position, popularity, physical superiority or access to embarrassing information.

13.3 The following actions could constitute bullying in breach of this Code:

- use of offensive nicknames;
- threatening language;
- attempting to isolate a person;
- spreading rumours or innuendo about a person;
- physical assault;
- taking or destroying a person's property;
- room flipping.

Part 5 – Sexual misconduct and harassment

14. Sexual misconduct and sexual harassment prohibited

14.1 Students have a responsibility to ensure that they do not engage in or encourage sexual misconduct or sexual harassment.

- 14.2 Conduct which contravenes the *Sexual Misconduct Policy* will constitute a breach of this Code.
15. Sexual misconduct
- 15.1 A student who engages in sexual misconduct will be expelled or have their residence terminated.
- 15.2 ***Sexual misconduct*** is defined in clause 9 of the *Sexual Misconduct Policy* and includes:
- (a) sexual intercourse without consent;
 - (b) sexual touching without consent;
 - (c) carrying out a sexual act without consent;
 - (d) voyeurism;
 - (e) recording or distributing an intimate image without consent.
- 15.3 ***Consent*** is defined in clause 10 of the *Sexual Misconduct Policy*.
16. Sexual harassment
- 16.1 Sexual harassment is likely to amount to serious misconduct for disciplinary purposes and result in expulsion or termination of residence.
- 16.2 A person ***sexually harasses*** another person (the ***person harassed***) if:
- (a) the person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or
 - (b) the person engages in other unwelcome conduct of a sexual nature in relation to the person harassed;
- in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the other person would be offended, humiliated or intimidated.

Conduct of a sexual nature includes making a statement of a sexual nature to a person, or in the presence of a person, whether the statement is made orally or in writing.

16.3 The following actions could constitute sexual harassment in breach of this Code:

- unwanted touching, hugging, cornering or kissing;
- sexually suggestive comments or jokes that make a person feel offended;
- inappropriate physical contact;
- intrusive questions about a person's private life or physical appearance that make them feel offended;
- requests or pressure for sex;
- inappropriate staring or leering that makes a person feel intimidated;
- sexual gestures or indecent exposure;
- repeated or inappropriate invitations to go out on dates;
- inappropriate commentary, images or film of a person distributed on social media;
- repeated or inappropriate advances on email, social networking sites or internet chat rooms.

16.4 The definition of ***sexual harassment*** in clause 11 of the *Sexual Misconduct Policy* also applies for the purposes of this Code.

Part 6 – Hazing

17. Hazing prohibited

17.1 The College has a Zero Tolerance Policy to any form of hazing.

17.2 A student taking any role, whether active or passive, in any such activity can expect to be expelled or to suffer rustication for a substantial period.

17.3 Where an activity amounts to hazing, a person's consent to the activity is not a defence to disciplinary action.

18. Definition

18.1 **Hazing** may include:

- any initiation practice or ritual;
- any practice which humiliates or subordinates individuals or groups within the student community;
- conduct which wilfully or recklessly endangers the physical, mental or emotional health of any student or other person.

18.2 Hazing may include activities perceived to be fun and rewarding, embarrassing, physically or emotionally demanding, socially deviant, degrading, painful or brutal.

Part 7 – Social media

19. Social media

19.1 Social media provide the ability for individuals to communicate statements to large numbers of people, indeed potentially to anyone with access to the internet, in a way which was formerly available only through the very controlled environments of broadcast or print media. This carries many opportunities for good, but also risks.

19.2 When posting on social media it is sensible to assume that your post might be seen by anyone in the world, as indeed it might. “Privacy” settings cannot be relied upon to restrict the potential audience for your post.

19.3 Students should be aware that it is standard practice for employers to conduct internet searches, including social media searches, on applicants for employment. The same can, of course, be done by anyone with whom you may be in contact for any purpose. There are many recent examples of people who have damaged their reputation by their own actions on social media.

19.4 To the extent that you identify yourself or are otherwise known as a student of St John’s College, the College has a legitimate interest in your use of social media. Disparaging the College or using social media in a way which harms the College’s reputation may constitute a breach of this Code of Conduct.

- 19.5 Use of social media in a way which breaches this Code, the *General Regulation* or other College rules or policies may be the subject of disciplinary action.

Part 8 – Procedure

20. Support Advisers

- 20.1 Any member of the College community who is concerned about harassment may contact one of the College's trained Support Advisers, who are available to discuss all aspects of a situation.
- 20.2 If you believe you have been harassed a Support Adviser is able to explain the options, including attempting to resolve the problem informally or making a complaint, and can refer you to external support services.
- 20.3 A person against whom an allegation of harassment has been made may seek assistance from a Support Adviser.
- 20.4 A Support Adviser does not provide counselling but can refer you to a counsellor or psychologist if required.
- 20.5 A Support Adviser will not be involved in any disciplinary aspect of a situation in which they have given advice.
- 20.6 If agreed to by both parties a Support Adviser may attempt to resolve issues by informal consultation or conciliation.
- 20.7 Discussions with a Support Adviser, whether in the context of advising or conciliation, are confidential.
- 20.8 In exceptional circumstances an Adviser may form a view that the College's duty of care requires that information should be disclosed to a relevant authority. In such a case the Adviser would inform the individual being advised, or the parties to a conciliation, accordingly.

21. Complaints

- 21.1 A person who wishes to make a formal complaint of harassment should do so by communication to the Rector or Vice-Rector. A Support Adviser will be able to assist with this if required.
- 21.2 A complaint of harassment will be dealt with under the *SJC Student Complaints Procedure*.
- 21.3 The *Sexual Misconduct Policy* applies to complaints and disclosures of sexual misconduct or sexual harassment.
22. Breach of Code
- 22.1 Conduct which may amount to a breach of this Code may be investigated by the College whether or not any person has made a complaint about the conduct, and may be the subject of a determination, after investigation, as to whether a student has engaged in misconduct.
- 22.2 Intentional misuse of this Code, such as by knowingly making a false allegation, may constitute misconduct and result in disciplinary action.
- 22.3 Subject to clause 22.4, the procedures for investigations and disciplinary proceedings are set out in the *General Regulation*.
- 22.4 Conduct which may contravene the *Sexual Misconduct Policy* will be dealt with in accordance with the procedures in that Policy.

Acceptance

I, _____, confirm that I have read the St John's College Code of Conduct (above) and understand that I am bound by it.

Signature _____ Date ____ | ____ | _____

[end of document]

THE GENERAL REGULATION

Part 1 – Preliminary

1. How made
 - 1.1 This Regulation is made by the Rector under the *Saint John's College Act 2018* and the *Saint John's College By-law*.
2. Citation and commencement
 - 2.1 This Regulation may be cited as the *General Regulation*.
 - 2.2 This Regulation has effect, as amended from time to time, from 17 October 2016.
3. Parts
 - 3.1 This Regulation has the following parts:
 - 1 – Preliminary
 - 2 – Authority and directions
 - 3 – Commencement and cessation of student membership
 - 4 – University enrolment
 - 5 – Re-admission
 - 6 – Academic exclusion
 - 7 – Health matters
 - 8 – Fire safety
 - 9 – Good order of the House
 - 10 – Common areas
 - 11 – Bedrooms
 - 12 – Absence from College
 - 13 – Alcohol
 - 14 – The Student Club
 - 15 – Intellectual property
 - 16 – Code of Conduct and Sexual Misconduct Policy
 - 17 – Communications with College authorities
 - 18 – Warnings
 - 19 – Investigations
 - 20 – Interim directions
 - 21 – Disciplinary procedures
 - 22 – Notification to University

- 23 – Damage to property
- 24 – Guests
- 25 – Non-residents
- 4. Interpretation
- 4.1 In this Regulation –

College Officer includes the Rector, Vice-Rector, Dean and Resident Tutor.

Dean refers to Rector.

Disciplinary Procedures means the provisions relating to communications with College authorities, warnings, investigations, interim orders and disciplinary procedures in this Regulation.

excluded person means a person who has been prohibited from entering the College's land and buildings, for the duration of such prohibition.

expel means deprive a person permanently of his or her student membership of the College.

Guest means, in relation to a resident, a person invited or permitted to enter the College's buildings or grounds by the resident.

investigator means a person conducting an investigation under the Disciplinary Procedures.

non-resident means a person who is not a resident as defined in this Regulation and includes previous residents.

normal requirements for academic results means the requirements published annually in the Student Handbook.

RA means a Resident Assistant and includes a Senior Resident Assistant.

resident includes:

- (a) a student as defined in this Regulation (including an affiliate student); and

(b) any other person resident in the College.

Resident Tutor means a person appointed as such by the Rector and includes an Associate Dean in residence.

rusticate means withdraw the right of access to the College's land, buildings and facilities for a specified period or until the fulfilment of specified conditions.

Sexual Misconduct Policy means the *SJC Student Sexual Misconduct and Sexual Harassment Policy*

Student Contract means the contract between a student and the College which creates their student membership.

student member or ***student*** means a person who has been admitted as either a resident student of the College or an affiliate student of the College, until the person ceases to be a student member as provided in this Regulation.

student membership means the status held by a student in relation to the College.

University means the University of Sydney and, in relation to a student, includes any other university at which the student may be enrolled.

Part 2 – Authority and directions

5. Authority of the Rector and delegated authority
 - 5.1 Under the *Saint John's College Act 2018* the Rector has general powers to manage the affairs of the College, to act as steward of the College, and to control and supervise the students. These powers extend to all persons within the precincts of the College, and include power to give directions and enforce compliance with directions given.
 - 5.2 A College Officer and, when on duty, an RA has delegated authority to exercise the Rector's powers of control and supervision as determined by the Rector from time to time, and as may be required in particular circumstances.

6. Directions
 - 6.1 A College Officer and, when on duty, an RA may give a direction to any person within the precincts of the College, including (without limitation) a direction to cease making noise, to vacate a common area, to require a non-resident to leave the College premises, or to refrain from any behaviour which may be regarded as unreasonable in the circumstances.
 - 6.2 The Librarian and library staff may give a direction to any person within the precincts of the Library for the purpose of requiring compliance with the Library Rules.
 - 6.3 An authorised direction must be complied with. Failure to comply with an authorised direction is a serious matter which may result in disciplinary consequences.

Part 3 – Commencement and cessation of student membership

7. Commencement of student membership
 - 7.1 A person becomes a student member of the College when they sign (including electronically execute) a Student Contract for the first time, or for the first time after cessation of student membership.
8. Cessation of student membership
 - 8.1 A student member ceases to be such upon the happening of any of the following events:
 - (a) the student goes out of residence or their affiliate student status lapses without a pending application for re-admission;
 - (b) the student's application for re-admission is refused;
 - (c) the student is excluded on academic grounds;
 - (d) the student is excluded as being unfit on health grounds to continue as a student;

- (e) if the student resigns their student membership in writing addressed to and received by the Rector giving at least 14 days notice - upon the expiry of such period of notice;
 - (f) the student is expelled.
- 9. Continuation of student membership
- 9.1 A student member does not cease to be such only because:
 - (a) the student goes out of residence or their affiliate student status lapses while they have a pending application for re-admission; or
 - (b) the student is granted permission by the College to be absent for the purpose of an exchange or study abroad program with another university and the student has not sought refund of their bond or deposit money.

Part 4 – University enrolment

- 10. Enrolment
- 10.1 Students are admitted on the basis that they will continue to be enrolled as a full-time student in the particular degree course which they have notified to the College. For this purpose, in most degree courses, *full-time* means that in each semester a student will be enrolled in units of study worth 24 credit points.
- 10.2 Where there are special circumstances the College may grant permission to enrol in 18 credit points only. Such permission must be sought in advance from the Dean and will be subject to approval by the Rector. An unauthorised reduction of enrolment below full-time status may result in termination of student membership.
- 10.3 A request to transfer to another degree course within the University must be notified in advance to the Dean and will be subject to approval by the Rector. An unauthorised change of degree course may result in termination of student membership.

- 10.4 Students seeking to change their units of study within their existing degree course must notify the Dean in advance.
- 11. Access to enrolment information and results
 - 11.1 It is a condition of student membership that a student authorises the University to make information about their enrolment and academic results available to the College, and authorises the College to request such information from the University.

Part 5 – Re-admission

- 12. Application for re-admission
 - 12.1 An offer of a place in College is made for a defined period (***Contract Period***), usually one academic year (two semesters) or one semester. Re-admission to the College for a subsequent year or other period is not automatic.
 - 12.2 A student seeking re-admission must apply by the due date, which is 31 October for re-admission in semester 1 of the following year, or 30 April in a case where the Contract Period expires at the end of semester 1.
- 13. Decision on re-admission
 - 13.1 A decision whether to grant re-admission is at the discretion of the Rector. Re-admission may be granted subject to conditions.
 - 13.2 The Rector's decision on a re-admission application is final.
- 14. Relevant considerations
 - 14.1 In deciding on a re-admission application the Rector may take into account any relevant matter but will give particular consideration to the following:
 - (a) the applicant's academic work as evidenced both by results in units of study and progression in a timely manner through the degree course approved by the College, having regard to the normal requirements for academic results;

- (b) whether the applicant's conduct both in the College and generally has been consistent with the *SJC Student Code of Conduct*, this Regulation and other rules and policies;
 - (c) the applicant's record of payment of College fees; and
 - (d) the applicant's attendance at official College occasions including weekly formal dinners and special dinners.
- 14.2 The Rector is entitled to form an opinion as to whether the applicant's values, as evidenced by his or her behaviour, are consistent with the character of St John's as a Catholic university college, and may take such opinion into account on a re-admission application.
- 14.3 An applicant's conduct may be considered not to warrant re-admission whether or not any warning or other admonishment has been issued.
- 14.4 An applicant who is in arrears of College fees may be refused re-admission for that reason.

Part 6 – Academic exclusion

15. Exclusion on academic grounds
- 15.1 A student who fails to meet the College's normal requirements for academic results in a semester may be excluded from continued student membership.

Part 7 – Health matters

16. Disclosure of health information
- 16.1 The College's policy is to protect a student's privacy in relation to information about their health. Nevertheless, circumstances may arise where, in the College's judgment, the best interests of the student require disclosure of information about their health to a parent or guardian.
- 16.2 It is a condition of student membership that a student authorises the College to contact their parent(s) or guardian(s) in the event of

a medical emergency, or if they are hospitalised or diagnosed with a serious medical condition including a mental health condition.

17. Exclusion for health reasons

17.1 Where in the College's reasonable judgment a person is unfit on health grounds to continue as a student member of the College, the College may terminate the person's student membership.

17.2 ***Unfit on health grounds to continue as a student member*** means that, on account of the person's physical, mental, psychological or emotional condition, the person lacks either or both of:

- (a) the ability to meet the reasonable academic requirements of their degree course, or
- (b) the ability to meet the reasonable social and behavioural requirements of a student member without their condition having an unacceptably deleterious impact upon the health, safety or welfare of the person or of other students or staff.

Part 8 – Fire safety

18. Prohibitions

18.1 Any activity in College buildings involving a naked flame (such as smoking or lighting candles or incense) is strictly prohibited, except for authorised activities in the Chapel or College kitchen.

18.2 The only form of heater permitted in student rooms, other than heaters provided by the College, is an oil-filled column heater. The use of heaters with exposed elements is strictly prohibited.

19. Unauthorised use or tampering

19.1 Any instance of unauthorised use of fire-fighting equipment such as hoses or extinguishers, tampering with a smoke or thermal detector (such as by covering it), or disconnecting automatic door closers, is an extremely serious offence which may lead to expulsion as well as civil consequences.

- 19.2 A resident committing such an offence will be charged a Safety Fine (currently \$500) and will also be held responsible for all consequential expenses which may include equipment replacement or repairs and the charges of contractors engaged to rectify equipment.
- 19.3 Where fire equipment has been tampered with but the offender cannot be identified after due inquiry, the Student Club will be held responsible for the Safety Fine and all consequential expenses.
20. False alarms
- 20.1 Rooms in College are fitted with sensitive smoke or thermal detectors, which are linked via the College system directly to the Fire Brigade. If a smoke detector is activated, fire alarms will sound and the Fire Brigade will come to the College. A charge (currently about \$1,864) is levied by the Fire Brigade for activation of an alarm in the absence of a fire.
- 20.2 A resident who causes a fire alarm activation by a prohibited activity will be charged a Safety Fine (currently \$500) and may also be required to reimburse the College for charges levied by the Fire Brigade or its authorised contractors, at the discretion of the Rector or, where delegated, the Vice-Rector.

Part 9 – Good order of the House

21. Bounds
- 21.1 Residents may not enter areas of the College buildings which are out of bounds, including all roof spaces and the upper levels of the Freehill Tower. Climbing on buildings, including roofs, walls, ladders and scaffolding is prohibited.
22. CCTV
- 22.1 Closed circuit television (**CCTV**) cameras are installed at various points across the College. This equipment is essential for security purposes.
- 22.2 Any interference with the regular operation of CCTV equipment is a serious offence. A resident committing such an offence will be charged a Safety Fine (currently \$500) and will also be held

responsible for all consequential expenses which may include equipment replacement or repairs and the charges of contractors engaged to rectify equipment.

- 22.3 Where CCTV equipment has been tampered with but the offender cannot be identified after due inquiry, the Student Club will be held responsible for the Safety Fine and all consequential expenses.

23. Noise

- 23.1 One of the College's essential purposes is to provide an environment which is conducive to study. It follows that every resident has a right to undisturbed study conditions. Undue noise is inimical to the College's purpose and is unfair to other residents. In this context "undue" includes:

- Noise emanating at any time from audio equipment, computers, radios, television or musical instruments which may cause a disturbance to fellow residents, members of staff or members of the general public.
- Yelling in common areas at any time, especially in the Quadrangle (which greatly amplifies noise).
- Noise (including raised voices) after 10:30pm which is audible in any common area or any other resident's room. Noise is to cease inside the College at 10:30pm each evening. (This does not mean that residents may create excessive noise prior to 10:30pm.)

- 23.2 Where an approved Student Club function or private party is held, the conditions of approval with respect to noise must be strictly observed.

24. Smoking

- 24.1 Smoking is prohibited in all parts of the College buildings and grounds.

25. Playing fields

- 25.1 The College permits its playing fields to be booked by external parties. St John's residents may not use the playing fields, whether

in teams or individually, whilst they are in use by a permitted external party.

- 25.2 A field may not be used if it has been declared closed, which may happen due to maintenance requirements or weather conditions.
- 25.3 Driving a vehicle on a playing field, or otherwise undertaking activities likely to cause unusual damage, will be treated as a serious offence.
- 26. Parking
 - 26.1 No person, whether resident or visitor, may park any vehicle anywhere on the College grounds unless authorised to park in that location, and the conditions of any such authorisation must be observed.
 - 26.2 The College may apply penalties for unauthorised parking. Repeated failure to observe parking regulations may be treated as misconduct.
 - 26.3 The College reserves the right to wheel-clamp or tow away a vehicle parked contrary to regulations.

Part 10 – Common areas

- 27. Common areas
 - 27.1 The College retains complete discretion over the use of all common areas at all times.
 - 27.2 The rules for use of any room, common room, corridor, or other space whether enclosed or external, must be observed.
 - 27.3 Any extra cleaning required due to the use of any room or space will be billed to the particular student responsible or the Student Club.
- 28. Artworks and furniture
 - 28.1 It is not permitted to touch any painting, picture, sculpture or other artwork displayed in the College.

- 28.2 The removal of furniture or furnishings from any public room or common area without authorisation is prohibited.
- 29. Particular rooms
 - 29.1 The Senior Common Room and the Vaughan Room are not available for general student use.
 - 29.2 The Music Room Rules must be observed.
- 30. Nagle Library
 - 30.1 The Library Rules must be observed.
- 31. Private parties
 - 31.1 Private parties (defined to mean any social event attended by more than five persons) may not be held without permission. This applies to spontaneous gatherings just as much as to planned events, and to gatherings in students' rooms as well as in any common area.
 - 31.2 Permission to hold a private party should be sought from the Rector well in advance, and a risk management analysis may be required. All conditions of approval must be strictly observed. Students will be personally responsible for cleaning after their function or party.
 - 31.3 A private function or party will not be approved if it would coincide with a scheduled Mass or Chapel service or is proposed to take place during Holy Week.

Part 11 – Bedrooms

- 32. Students' bedrooms

- 32.1 **Allocation.** Rooms are allocated to students by the College. The Rector has authority to change a student's room allocation at any time on reasonable notice.
- 32.2 **Occupancy.** A student may not permit any other person to occupy or reside in their allocated room.
- 32.3 **Access.** College staff may have access to any room for reasons of security, cleaning or maintenance or any other lawful purpose connected with the administration of the College.
- 32.4 **Cleaning.** Any extra cleaning required due to the state of a student's bedroom will be billed to the occupant.
- 32.5 **Furniture.** The removal of furniture or furnishings from any bedroom without authorisation is prohibited.
- 32.6 **Damage.** Any damage to a room, or damage to or loss of furniture or appointments, which is identified after a room is vacated will be billed to the occupant. If personal belongings or rubbish is left in the room an extra cleaning fee will be charged.

Part 12 – Absence from College

- 33. College to be notified
- 33.1 A student, other than an affiliate student, intending to be absent from College for more than one night must notify the College through Student Services prior to the period of absence.

Part 13 - Alcohol

- 34. Alcohol at student events
- 34.1 Alcoholic drinks may only be supplied at student events under a liquor licence issued in accordance with the *Liquor Act 2007* (NSW).
- 34.2 The supply of alcoholic drinks at a student event is subject to the prior approval of the Rector or, where delegated, the Vice-Rector as to the type and quantity of drinks which may be supplied.

- 35. Responsible service of alcohol (RSA)
 - 35.1 In all circumstances alcohol may only be supplied or consumed within the precincts of the College in accordance with the rules and strategies of the RSA program administered by Liquor & Gaming NSW.
 - 35.2 The College is a member of the University of Sydney Liquor Accord established under the *Liquor Act 2007* (NSW). All events held at the College must comply with the Liquor Accord Principles and Guidelines.
- 36. Alcohol in the Hall
 - 36.1 Students may not take alcoholic drinks into the Hall. Alcohol may only be consumed in the Hall when it is provided as part of the dinner service.
 - 36.2 Students are not to enter the Hall if they are intoxicated.
- 37. Alcohol generally
 - 37.1 Alcohol should only be consumed in moderation. Binge drinking is dangerous and inconsistent with College policies.
 - 37.2 The consumption of alcohol must always be a matter of personal choice. To apply pressure to another person to encourage them to drink is completely unacceptable.
 - 37.3 Intoxication is never an excuse for antisocial behaviour. Students will be held responsible for their actions regardless of their blood alcohol content at the time.
 - 37.4 Beer bongs and other paraphernalia associated with binge drinking are prohibited on College property. Such items, even if they are not being used at the time, will be confiscated.
 - 37.5 Alcohol misuse may be a cause for disciplinary action.
 - 37.6 Students are required to observe the College's *Alcohol Policy*.

Part 14 – The Student Club

- 38. House Committee election

- 38.1 The Rector's prior approval is required for the holding of an election for the committee of the Student Club, which may be granted subject to conditions as to timing and the procedure to be followed.
- 38.2 The Rector shall appoint a Returning Officer to conduct the election, who shall not be a member of the Student Club.
- 38.3 The Rector may require nominees for election to satisfy specified conditions, such as completing a leadership training program, in order to qualify for nomination.
- 38.4 A student who has been prohibited from nominating for election to the House Committee in consequence of a disciplinary proceeding shall not do so without the specific permission of the Rector.
- 39. Budget
 - 39.1 As soon as practicable after election, the House Committee shall present a budget for proposed expenditure to the Rector for approval.
 - 39.2 Student Club funds may only be expended in accordance with the approved budget.
- 40. Funds not to be expended on alcohol
 - 40.1 Student Club funds may not be expended on the purchase of alcohol.
- 41. Social events
 - 41.1 Student Club social events and activities require the approval of the Rector. Application for approval must be made well in advance and a risk management analysis will be required. An event or activity will not be approved if it would coincide with a scheduled Mass or Chapel service or is proposed to take place during Holy Week.
 - 41.2 All conditions of approval, including as to date, times, number and identity of invitees, service of alcohol, noise and clean-up must be strictly observed.

Part 15 – Intellectual property

- 42. College arms, logos and brand
 - 42.1 The College's coat of arms, crest, logos and branding are intellectual property of the College and may not be used by any other person or body without express authorisation.
 - 42.2 The College may permit the Student Club to use designs incorporating specified elements of the arms and branding upon conditions. Approval for particular uses (for example, on social media) must be sought.
 - 42.3 Students wishing to use any element of the College's branding must apply to the Executive Officer.

Part 16 – Code of Conduct and Sexual Misconduct Policy

- 43. SJC Student Code of Conduct
 - 43.1 Students are required to comply with the *SJC Student Code of Conduct*.
 - 43.2 The *SJC Student Code of Conduct* applies to the conduct of students outside as well as within the precincts of the College.
 - 43.3 A breach of the *SJC Student Code of Conduct* may be the subject of Disciplinary Procedures.
- 44. Sexual Misconduct Policy
 - 44.1 Residents are required to comply with the *Sexual Misconduct Policy*.
 - 44.2 A breach of the *Sexual Misconduct Policy* may be the subject of Disciplinary Procedures.
- 45. Zero Tolerance Policy
 - 45.1 The College has a Zero Tolerance Policy towards any form of harassment, intimidation or victimisation (including but not limited to any form of initiation ritual) directed towards another resident or any other person at the College. A student taking an active or even

passive role in any such activity can expect to be expelled or to be rusticated for a substantial period.

Part 17 – Communications with College authorities

- 46. Honesty in communications
 - 46.1 As an institution which provides an environment of pastoral care for its residents, the College requires residents to be honest and truthful in their dealings with College management.
 - 46.2 Any instance of deliberate falsehood or attempt to mislead or deceive in communications with College officers or staff will be treated as a serious breach of the standard of behaviour expected of residents by the College.
- 47. Attempting to inhibit communication
 - 47.1 A resident is entitled to raise any matter of concern with, or provide any information to, a College Officer or other member of staff.
 - 47.2 In considering whether to raise a matter of concern or provide information, a resident is entitled to do so free from pressure from any person or group of persons who may wish the matter not to be raised or the information not to be provided.
 - 47.3 Attempting to persuade a resident not to communicate with a College Officer or other member of staff, whether or not the attempt is successful, will be treated as a serious breach of required standards.

Part 18 - Warnings

- 48. Warnings

- 48.1 If a resident engages in conduct, whether on a single occasion or repeatedly, which disrupts the peace and good order of the House, or which is contrary to any College rule, policy or code, the Rector or Vice-Rector may issue a Warning to the resident.
- 48.2 A Warning puts the recipient on notice that any further breach of acceptable conduct standards is likely to result in disciplinary action, which may include rustication or expulsion.
- 48.3 A Warning may be issued orally or in writing, and if issued orally it will be confirmed in writing.
- 48.4 The issue of a Warning will be taken into account on any re-admission application by the resident.

Part 19 - Investigations

- 49. Investigation
 - 49.1 Where it appears that an instance of misconduct may have occurred within the College or involving a resident, the Rector or Vice-Rector may cause an investigation to be conducted into the facts and circumstances.
 - 49.2 An investigation may be conducted by the Rector or, where delegated, the Vice-Rector or such other properly qualified person as may be appointed by the Rector for that purpose.
 - 49.3 An investigator may make all such inquiries as may be conducive to gathering relevant evidence for the purpose of establishing the facts and circumstances, including interviewing any resident.
 - 49.4 Residents are under an obligation to co-operate with an investigation including attending an interview if required.

Part 20 – Interim directions

- 50. Interim direction

50.1 The Rector or, where delegated, the Vice-Rector may issue an interim direction to a resident while an investigation or disciplinary proceeding is being conducted:

- (a) to minimise the possibility of harm to any person; and/or
- (b) to protect the integrity of the investigation or disciplinary proceeding.

50.2 An interim direction:

- (a) is not a penalty, and
- (b) should not be interpreted as anticipating or disclosing any finding or outcome of an investigation or disciplinary proceeding.

50.3 An interim direction must be for a defined period and may, according to its terms:

- (a) prohibit the resident from entering the College's buildings and grounds or specified parts thereof;
- (b) prohibit the resident from contacting, communicating with or approaching another resident, or attempting to do so;
- (c) prohibit the resident's attendance at or participation in specified events or activities, including Student Club events and activities;
- (d) restrict the resident's access to specified College buildings, facilities or accommodation.

50.4 An interim direction may be issued summarily, and the Rector or Vice-Rector:

- (a) is not required to provide a hearing to the resident before making a decision; and
- (b) may inform himself or herself in relation to any matter in any manner that he or she think fit.

- 50.5 The Rector or Vice-Rector must provide a written notice to the resident within 24 hours of issuing an interim direction specifying the terms and duration of the direction.
- 50.6 The Rector or, if delegated, the Vice-Rector may at any time vary the terms of an interim direction, extend its duration, or terminate the direction, and in such case shall give written notice to the resident to whom the direction has been issued.
- 50.7 In a case where sexual misconduct or sexual harassment is alleged, an interim direction may be issued under clause 22 of the *Sexual Misconduct Policy* as well as under this clause.

Part 21 – Disciplinary procedures

51. Disciplinary proceedings
- 51.1 The Rector or, where delegated, the Vice-Rector may hear and determine an allegation of misconduct against a resident.
- 51.2 Before or at the commencement of a hearing the Rector or Vice-Rector, as the case may be, shall ensure that reasonable steps have been taken to inform the resident of particulars of the allegation either orally or in writing.
- 51.3 The resident shall be afforded a reasonable opportunity:
- (a) to respond to the allegation;
 - (b) to adduce evidence;
 - (c) to make submissions as to the findings which should be made in relation to the allegation; and
 - (d) to make submissions as to penalty if misconduct is found.
- 51.4 Where it is necessary to make a finding on a disputed allegation, the finding shall be made on the balance of probabilities.
- 51.5 A resident attending a disciplinary hearing may be accompanied by a support person.

51.6 Disciplinary action may be taken and a penalty imposed whether or not the resident has previously received a Warning.

52. Penalties

52.1 One or more of the following penalties or orders may be imposed by the Rector or, where delegated, the Vice-Rector in respect of misconduct by a resident:

- (a) a fine not exceeding \$500;
- (b) a reprimand or a severe reprimand;
- (c) a community service order;
- (d) an order prohibiting the resident from attending at or participating in specified events or activities, including Student Club events and activities;
- (e) an order that the resident not accept nomination for election to the House Committee (including House Executive) without the specific permission of the Rector;
- (f) an order for compensation for damage to property;
- (g) an order for restitution of property.

52.2 Written notification of the imposition of a penalty will be given to the resident concerned.

52.3 The imposition of a penalty will be taken into account on any re-admission application by the recipient.

53. Rustication

53.1 The Rector may rusticate a student as a penalty for misconduct.

53.2 An order of rustication shall be for a defined period and shall state the times at which the rustication will commence and end.

53.2 A student who has been rusticated is not permitted to enter the College buildings or grounds or to attend Student Club events during the period of rustication except with the written permission

of the Rector. The College will ordinarily report unauthorised presence on College property to the Police.

54. Expulsion

54.1 The Rector has full authority to expel a student for serious misconduct.

54.2 Expulsion terminates a person's student membership of the College.

54.3 A person who has been expelled is not permitted to enter the College buildings or grounds or to attend Student Club events except with the written permission of the Rector. The College will ordinarily report unauthorised presence on College property to the Police.

55. Appeal

55.1 A student who has been rusticated or expelled may appeal against the decision by lodging with the Chair of Council a notice stating their intention to appeal. The notice must be lodged within 14 days of receiving written notification of the penalty.

55.2 The lodging of a notice of appeal does not stay the effects of rustication or expulsion.

55.3 An appeal will be determined by an Appeal Panel appointed *ad hoc* by the Chair, consisting of three Council members who may include the Chair. The decision of an Appeal Panel is final.

Part 22 – Notification to University

56. Notification of misconduct to University

56.1 In some circumstances the College may notify a student's misconduct to the University. The College may do so if the conduct is such that a fair minded person would regard the misconduct as sufficiently serious to warrant expulsion or other serious disciplinary action.

56.2 It is a condition of residency that a student authorises the College to notify the University of any instance of their conduct which a

fair-minded person would regard as sufficiently serious to warrant expulsion from the College or other serious disciplinary action.

- 56.3 The College may notify the University after a person ceases to be a student of the College of the person's conduct while they were a student of the College.

Part 23 – Damage to property

57. Liability for loss or damage

- 57.1 A resident is liable to make compensation for:

- (a) any loss or damage to College property caused by the resident or their Guest; and
- (b) any loss or damage to any person's property within the College (whether of another College resident or of anyone else) caused by the resident or their Guest.

- 57.2 The amount of any such loss or damage will be assessed by the College and may be debited to the resident's account or required to be otherwise paid at the College's discretion.

- 57.3 Deliberate non-trivial damage to property by a resident or their Guest is likely to constitute serious misconduct.

- 57.4 If a non-resident (including a previous resident) causes deliberate non-trivial damage to property, the College will ordinarily report the matter to the Police and ask for appropriate action to be taken.

58. Student Club liability

- 58.1 Where any loss or damage occurs to College property which appears to be a result of misconduct but the College is unable to identify the person or persons responsible, the Rector may require the assessed amount of the loss or damage to be paid by the Student Club and the Student Club's account with the College to be debited accordingly.

59. College not liable

- 59.1 The College excludes liability for damage to or loss of any item of personal property brought into the College buildings or grounds.

Part 24 – Guests

60. Conduct of Guests

- 60.1 Any person who is permitted to enter the College buildings or grounds by a resident will be treated as a Guest of that resident. A resident is responsible for the conduct of their Guest. Residents should not allow any non-resident into the College unless they are prepared to be responsible for the behaviour of that person.

61. Overnight visitors

- 61.1 Non-residents may not stay more than one night at the College without the permission of the Rector or Vice-Rector.
- 61.2 As part of good risk management practice, the College needs to be aware of all persons staying overnight on the premises. A resident inviting a person to stay overnight must ensure that the person's name is noted in the Overnight Guest Register which is accessible through Student Services or the RA on duty after hours.

Part 25 – Non-residents

62. Direction to non-resident

- 62.1 The College officers, staff and RAs have authority to require any non-resident to leave the College buildings and grounds at any time.
- 62.2 There have occasionally been instances of previous residents seeking to use the College premises in an inappropriate way (for example by staying in students' rooms or common areas). Current residents have an obligation not to facilitate the presence of unauthorised persons on College premises.

63. Closure

- 63.1 The Rector may declare that the College is closed to non-residents

–

- (a) at specified times (for example after a certain hour of the day); or
- (b) for a specified period (for example during welcome or examination weeks); or
- (c) when required for reasons of health such as to minimise the risk of infection.

During such times or periods residents may not facilitate the entry of any non-resident to the College's buildings or grounds.

64. Excluded persons

- 64.1 The Rector may prohibit any person from entering the College's land and buildings indefinitely or for a fixed period or pending the fulfilment of specified conditions. The College is entitled to use legal means if necessary to enforce such prohibition.
- 64.2 If an excluded person enters the College's land or buildings contrary to a prohibition, the College will ordinarily report the matter to the Police and ask for appropriate action to be taken.

[end of document]

SJC STUDENT SEXUAL MISCONDUCT AND SEXUAL HARASSMENT POLICY

Part 1 - Preliminary

1. Name and Commencement

- (1) This is the *St John's College Student Sexual Misconduct and Sexual Harassment Policy*.
- (2) This policy commences on 1 February 2019.

2. Policy is binding

Except to the extent that a contrary intention is expressed, this policy binds the College, students, staff members, associates and visitors.

3. Statement of intent

- (1) St John's College acknowledges that it has a responsibility to provide a safe and respectful environment for its students and staff, and others who may be present on the College property. All members of the College community, including individual students, the Student Club, staff members, and the College Council, have a role to play in creating a safe and respectful environment. All need to acknowledge their specific responsibilities in this area.
- (2) This policy:
 - (a) prohibits sexual misconduct and sexual harassment by members of the College community;
 - (b) protects the safety and welfare of students disclosing or complaining about sexual misconduct or sexual harassment;

- (c) sets out the meaning of sexual misconduct and sexual harassment;
- (d) explains the difference between disclosures and complaints of sexual misconduct and sexual harassment;
- (e) explains the difference between complaints to the College and reports to the NSW Police;
- (f) encourages safe active bystander intervention;
- (g) sets out the principles applicable to disclosures and complaints of sexual misconduct and sexual harassment; and
- (h) supports the College's values of inclusion and diversity, and respect and integrity.
- (i) Supports measures taken by the University and College to eliminate workplace sexual harassment, unlawful sex discrimination and harassment, and victimisation.

4. Application

- (1) This policy applies to disclosures by students and former students of sexual misconduct and sexual harassment, including:
 - (a) anonymous disclosures;
 - (b) disclosures about recent or historical events; and
 - (c) disclosures about College-related and non-College-related conduct.
- (2) This policy applies to complaints by students and former students of College-related sexual misconduct and sexual harassment including, but not limited to, conduct by:
 - (a) current students; and
 - (b) current staff members or associates.

Note: For an explanation of the difference between disclosures and complaints of sexual misconduct and sexual harassment, see clauses 12 and 13.

Note: Current and former staff and affiliates who wish to make a complaint of sexual misconduct or sexual harassment should refer to the *St John's College Student Complaints Procedure*.

- (3) For the avoidance of doubt, the rights and obligations of students under this policy are in addition to the rights and obligations set out in the *SJC Student Code of Conduct* and the *General Regulation*.

5. Interpretation

In this policy:

active bystander intervention	means seeing and recognising a potentially harmful situation and choosing to respond in a safe way that could prevent or stop the harm from happening or continuing.
associate	means consultants and contractors to the College; tutors; members of College Council and committees; and any other persons appointed or engaged by the College to perform duties or functions on its behalf.
Apprehended Violence Order	means an ADVO (Apprehended Domestic Violence Order) or an APVO (Apprehended Personal Violence Order) made by a court.
Bystander	means a person who directly sees, hears, and recognises a potentially harmful situation.

College land

means any land occupied or used in connection with the College, including the whole or any part of any building or structure on College land.

College-related conduct

means any conduct that is connected to the College, including conduct that:

- refers or relates to the College, its activities, or its staff, associates or students in their status as staff, associates or students of the College;
- occurs on, or in connection with, College land or other property owned by the College;
- occurs at, or in connection with, another Residential College.
- occurs at or in connection with university owned or affiliated student accommodation;
- occurs using, or is facilitated by, College ICT resources or other College equipment;
- occurs during, or relates to, the performance of duties for the College
- occurs during, or in connection to, any College related function or event (whether sanctioned or organised by the College or not) or when representing the College in any capacity;
- occurs during any event run by or affiliated with the St John's College

Student Club or other College organisations, clubs or societies (whether sanctioned or organised by the College or not).

- occurs during, or in connection to, students' clinical, practicum, internship or work experience placements; or
- occurs while a St John's College student is participating in overseas exchange, study abroad, or other approved program.

complainant

means a student or former student who makes a complaint of sexual misconduct or sexual harassment in accordance with this policy and the *St John's College Students Complaints Procedure*.

complaint

means:

- a complaint of sexual misconduct or sexual harassment by a student or former student who wants the incident to be investigated or wants specific action to be taken in response to the incident, made in accordance with clause 13; and
- a disclosure by an person of College-related misconduct or sexual harassment by a current student.

Dean

includes Dean of Students

Disciplinary Code

means the provisions relating to communications with College authorities, warnings, investigations, interim directions

and disciplinary procedures in the General Regulation.

disclosure

means:

- a disclosure of sexual misconduct or sexual harassment by a student who does not want the College to investigate or to take any specific action in response to the incident, made in accordance with clause 12; and
- a disclosure by any person of College-related sexual misconduct or sexual harassment by a current student.

fraternisation

has the meaning given in Clause 24, and applies only to that clause.

Pastoral Team

means Senior Resident Assistants, Resident Assistants and Corridor Representatives.

Residential College

means one or more of:

- Mandelbaum House;
- Sancta Sophia College;
- St Andrew's College;
- St John's College;
- St Paul's College;
- Wesley College;
- The Women's College.

respondent

means a person whose conduct is the subject of a complaint of sexual misconduct or sexual harassment.

sexual activity

means any activity that a reasonable person, having regard to all the circumstances, would consider to be

	sexual.
staff or staff member	means an employee of the College, including a casual employee.
Staff Complaints Officer	means a Staff Complaints Officer under the <i>SJC Staff Complaints Procedure</i> .
student	includes: (a) a person who has been admitted as either a resident student of the College or an affiliate (non-resident) student of the College, for the duration of such admission; and (b) any other person resident in the College.
transactional sex	has the meaning given in Clause 24 and applies only to that clause.
visitor	means any guest, invitee or visitor to College land or to a function or event authorised or organised by the College.

6. Exercise of functions

The Rector may delegate his or her functions to an appropriate member of College staff under this Policy, either generally or for a period of time or in relation to a particular matter, in which case the term ***Rector*** in this policy shall be taken to refer to that person.

Part 2 – Prohibited conduct

7. Sexual misconduct and sexual harassment are prohibited

- (1) Students, staff, associates and visitors must not engage in sexual misconduct towards or sexually harass any other person.
- (2) Behaviour that is intimidating, abusive, disrespectful or threatening, including sexual misconduct and sexual

harassment, is not acceptable and will not be tolerated.

8. Emergency and ongoing assistance and support

- (1) Students who have experienced sexual misconduct or sexual harassment are encouraged to seek assistance and support from a member of the Pastoral Team.
- (2) Contact details for emergency assistance for students who have experienced sexual misconduct or sexual harassment are set out in **Schedule 1**.
- (3) Contact details for ongoing support and assistance for students and former students who have experienced sexual misconduct or sexual harassment are set out in **Schedule 2**.
- (4) Contact details for support and assistance for students who are accused of sexual misconduct or sexual harassment are set out in **Schedule 3**.
- (5) Students and staff can support a student who has experienced sexual misconduct or sexual harassment by:
 - listening without interrupting;
 - letting express how they feel and respecting the words they use in reference to the incident;
 - letting the student know they believe what the student is telling them and acknowledging the student's distress;
 - letting the student know that the incident was not their fault;
 - respecting their decisions;
 - directing them to the available support services.

Note: When a student has experienced sexual misconduct or sexual harassment, they may express a range of emotional and physical symptoms. The NSW Rape Crisis Service website provides information on common impacts of sexual misconduct.

9. Meaning of sexual misconduct

- (1) The term sexual misconduct is used in this policy to cover a range of unacceptable sexual and physical behaviours, which are criminal offences.

Note: Sexual misconduct can be experienced by people of all ages, genders and sexualities, within or outside a relationship. Sexual misconduct is an abuse of power, and is never the fault of the person who does not consent to the sexual activity.

- (2) For the purposes of this policy, sexual misconduct means a breach of Clause 24 or any sexual act that a person does not consent to, including:
 - a. **rape (also called sexual assault)** – the penetration to any extent of the genital or anus of any person by any part of another person (including their fingers), or with any object manipulated by another person, without the person’s consent;
 - b. **unwanted oral sex** – insertion of the penis into the mouth of another person, or the use of the tongue or lips on the vagina, penis, scrotum, or anus of another person, without their consent;
 - c. **sexual touching** – kissing or touching another person’s body without their consent, in circumstances where a reasonable person would consider the touching to be sexual. This includes unwanted touching of a person’s breast, bottom or genitals;
 - d. **sexual acts** – doing an act with or towards another person without their consent, or making another person do an unwanted act, in circumstances where a reasonable person would consider the act to be sexual. This includes:
 - i. a person showing another person their genitals (“flashing”);

- ii. a person sending another person an unwanted still or moving image of their own or someone else's genitals;
 - iii. making a person show another person their breasts, bottom or genitals;
 - iv. masturbating in front of another person; and
 - v. pretending to masturbate in front of another person
 - e. **voyeurism** – for the purpose of obtaining sexual arousal or sexual gratification, observing a person who is:
 - i. in a state of undress;
 - ii. using the toilet, showering, or bathing; or
 - iii. using a person engaged in a sexual act.
 - f. **recording or distributing an intimate image** of another person without their consent, whether in person or by electronic, digital, or by other means, including a still or moving image of:
 - i. a person's breast, bottom, or genitals, whether bare or covered by underwear;
 - ii. a person in a state of undress;
 - iii. a person using the toilet, showering, or bathing;
 - iv. a person engaged in a sexual act.
- (3) For the purposes of this policy, a person will be considered to have engaged in sexual misconduct towards another person if:
- a. the other person did not consent to the sexual activity; and
 - b. the first person:
 - i. knew that the other person did not consent; or

- ii. was reckless as to whether the other person consented; or
 - iii. any belief that the first person had, or may have had, that the other person consented to the sexual activity was not reasonable in the circumstances.
- (4) Without limiting paragraph (9)(3)(b)(iii), a belief that the other person consented to sexual activity is not reasonable if the first person did not, within a reasonable time before or at the time of the sexual activity, say or do anything to find out whether the other person consented to the sexual activity.
- (5) For the purposes of this policy, attempting or threatening to engage in any of the above conduct may also constitute sexual misconduct.

Note: Stalking or intimidating another person with the intention of causing them to fear physical or mental harm is a criminal offence (see the *Crimes (Domestic and Personal Violence) Act 2007*) and is prohibited under the *SJC Student Code of Conduct* Part 4.

10. Meaning of consent

- (1) Consensual sexual activity involves ongoing and mutual communication, decision-making, and free and voluntary agreement between the people participating in the sexual activity.
- (2) For the purposes of this policy, a person consents to a sexual activity if, at the time of the sexual activity, they freely and voluntarily agree to the sexual activity.
- (3) For the purposes of this policy, 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;
 - (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) overborne by the abuse of a relationship or 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 a staff member.
- (4) A person may, by their words or conduct, withdraw their consent at any time prior to or during a sexual activity, for any reason.
- (5) Sexual activity that occurs after consent has been withdrawn occurs without consent.
- (6) That the fact that a person does not say ‘no’ to, or does not physically resist, a sexual activity does not of itself mean that they consent to it.
- (7) A person who consents to a particular sexual activity is not, by reason only of that fact, taken to consent to any other sexual activity.

Note: A person who consents to a sexual activity using a condom is not, by reason only of that fact, taken to consent to a sexual activity without using a condom.

- (8) A person who consents to a particular sexual activity with a person on one occasion is not, by reason only of that fact, taken to consent to a sexual activity with:
 - (a) that person on another occasion; or
 - (b) another person on another occasion.

11. Meaning of sexual harassment

- (1) Sexual harassment occurs if a person:
 - (a) makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or
 - (b) engages in other unwelcome conduct of a sexual nature in relation to the person harassed;

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.

Note: See also Clause 12 of the University *Bullying, Harassment, and Discrimination Prevention Policy*.

- (2) Sexual harassment includes:
 - (a) unwelcome touching, hugging or kissing;
 - (b) inappropriate staring or leering;
 - (c) sexual gestures;
 - (d) sexually suggestive comments or jokes;
 - (e) displaying, sending or requesting sexually explicit pictures or posters;

- (f) giving sexually explicit gifts;
 - (g) making or distributing a sexually explicit audio recording or photo-shopped image of another person;
 - (h) repeated or inappropriate invitations to go out or 'hook up';
 - (i) intrusive questions about a person's private life or physical appearance; and
 - (j) requests or pressure for sexual intercourse, or other sexual activities.
- (3) Sexual harassment can occur through email, text, messaging, social media posts and other forms of electronic communication.
 - (4) Acts of sexual harassment may also constitute sexual misconduct.

Part 3 - Disclosures

12. Disclosures of sexual misconduct and sexual harassment

- (1) Students and former students who have experienced sexual misconduct or sexual harassment have a right to decide whether they want to disclose the incident to the College, or not.
- (2) The College is committed to supporting students and former students who disclose sexual misconduct or sexual harassment. Details of inclusive and non-discriminatory support services for students are set out in **Schedule 2**.
- (3) A student or former student can make a disclosure to the College of any incident of sexual misconduct or sexual harassment by contacting the Rector, Dean or any member of the Pastoral Team.

Note: A bystander may make a disclosure but not a complaint

of sexual misconduct or sexual harassment that they have witnessed. Where possible, the bystander should seek consent from the student who experienced the conduct to make a disclosure.

- (4) Students and former students may elect to make disclosures anonymously.
- (5) A member of the Pastoral Team may assist a student or former student to make a disclosure.
- (6) Students and former students should make a disclosure (rather than a complaint) of sexual misconduct or sexual harassment if they do not want an investigation to be conducted or otherwise want any specific action to be taken in response to the incident.
- (7) Students and former students who choose to make a disclosure of sexual misconduct or sexual harassment may later decide to make a complaint to the College about the same incident. The College will provide guidance about how to make a complaint.
- (8) The College will treat all disclosures confidentially, and:
 - (a) will not refer the disclosure for investigation or release information about a disclosure unless:
 - (i) there appears to be an imminent risk to the health or safety of the student or another person or persons;
 - (ii) one or more other people name the same perpetrator in a separate incident disclosure and the College is concerned that there may be a risk to the health or safety of other persons;
 - (iii) the disclosure names a perpetrator who is employed by a Residential College, a student accommodation provider, a placement provider or a student representative organisation, student club or student society, and the College is concerned

- that there may be a risk to the health or safety of other persons; or
 - (iv) the disclosure is made by a bystander and an investigation can be conducted appropriately without involving the affected student or students; and
 - (b) will inform the student before commencing an investigation into a disclosure.
- (9) Upon receiving a disclosure relating to sexual misconduct or sexual harassment, the Rector or Rector's representative will
 - (a) record the following details:
 - (i) the disclosing individual's name and contact details;
 - (ii) the names of affected College students, including any bystanders or witnesses;
 - (iii) a brief summary of the issues raised in the disclosure, including details of any prospective respondent;
 - (iv) the identity and details of any persons named in the disclosure;
 - (v) any outcome or remedy sought by the disclosing individual; and
 - (b) refer the disclosure to the University for investigation in accordance with the University's *Student Sexual Misconduct Policy 2023* and *Student Sexual Misconduct Response Procedures 2023*.
- (10) If the College needs to investigate a disclosure, the Rector or the Rector's representative may contact the person who made the disclosure to ask whether they would be prepared to make a complaint or to participate in an investigation process.

- (11) The College will otherwise use information contained in disclosures on a de-identified basis to identify trends and to develop targeted responses to sexual misconduct and sexual harassment in the College community.

Part 4 - Complaints

13. Complaints of sexual misconduct and sexual harassment

- (1) A student or former student who has experienced sexual misconduct or sexual harassment has a right to decide whether they want to make a complaint to the College, or not.
- (2) A student or former student who has experienced sexual misconduct or sexual harassment can make a complaint to the College by contacting the Rector or the Rector's representative.
- (3) A member of the Pastoral Team may assist a student or former student to make a complaint.
- (4) A person cannot make a complaint of sexual misconduct or sexual harassment on behalf of a student or former student.
- (5) Students and former students who have experienced sexual misconduct or sexual harassment should make a complaint (rather than a disclosure) if:
 - (a) they want an investigation to be carried out or other specific action to be taken; and
 - (b) the complaint is about College-related conduct, including conduct by:
 - (i) other students; or
 - (ii) current staff members or associates.
- (6) Students and former students do not have to specify what action they want the College to take in order to make a

complaint. When referring to complaints to the University of Sydney in accordance with Clause (13)(11), the College will prioritise their wellbeing and needs, but will otherwise decide what action ought to be taken following the completion of the University of Sydney's investigation and recommendation process.

- (7) A former student who has experienced sexual misconduct or sexual harassment can make a complaint if:
 - (a) the complaint is about College-related conduct; and
 - (b) the respondent is a current student, staff member or associate of the College.
- (8) The College is committed to supporting students and former students who complain about sexual misconduct or sexual harassment. Details of inclusive and non-discriminatory support services for students are set out in **Schedule 2**.
- (9) In most circumstances, a student or former student wishing to make a complaint of sexual misconduct or sexual harassment will need to provide their name. The College will not act on anonymous complaints of sexual misconduct or sexual harassment unless:
 - (a) it is not necessary for the respondent to be aware of the identity of the complainant in order to properly respond to the complaint; or
 - (b) there is independent documentary or other evidence supporting the complaint and the allegation can be tested fairly.
- (10) The College is unable to act on complaints from complainants who decline to provide information about the respondent. In such cases, the complaint will be treated as a disclosure.
- (11) Upon receiving a complaint about sexual misconduct or sexual harassment, the College will:

- (a) handle complaints made by students and former students of sexual misconduct and sexual harassment in accordance with the *St John's College Student Complaints Procedure*.
 - (b) refer the complaint to the University of Sydney for investigation in accordance with the University's *Student Sexual Misconduct Policy 2023* and *Student Sexual Misconduct Response Procedures 2023*; and
 - (c) inform the complainant before commencing action in accordance with the relevant procedures.
- (12) If a student or former student makes a complaint of sexual misconduct or sexual harassment by a visitor or other person over whom the College has no jurisdiction, the College may seek assistance from another organisation or to refer the complaint to an external agency for resolution.
- (13) A student or former student who has made a complaint of sexual misconduct or sexual harassment is free to withdraw it at any time. However, if the University or College has already commenced misconduct proceedings against a student, staff member or associate as a result of the complaint, those proceedings will be completed.
- (14) Complainants are required to engage with the complaints process, and to provide sufficient details of their complaint to permit the College to conduct a preliminary Assessment and investigation, as appropriate.

Note: Complainants are not required to put their complaint in writing in the first instance. However, a written complaint will be required if an investigation is needed.

14. Principles of complaint resolution

In accordance with the University of Sydney's *Student Sexual Misconduct Policy 2023* and *Student Sexual Misconduct Response Procedures 2023*:

- (1) Complaints of sexual misconduct and sexual harassment will be resolved sensitively, fairly, confidentially and with a minimum of disruption, while following the principles of procedural fairness.
- (2) Complainants and respondents will have a reasonable opportunity to state or respond to a complaint orally and in writing, and to provide any documents relevant to the complaint.
- (3) Complainants and respondents may be accompanied to any meeting by a support person, if they wish.
- (4) At no time will the complainant and respondent be required to meet with or to participate in any activity with one other, unless they have both given their prior informed consent.

15. Preliminary Assessment of a complaint

- (1) Upon receiving a complaint of sexual misconduct or sexual harassment, the Rector or the Rector's representative will conduct a preliminary Assessment.

Note: For details of the process that will be undertaken, see the *SJC Student Complaints Procedure*.

Note: Where the complaint relates to the conduct of a staff member or associate, the *SJC Staff Complaints Procedure* will also apply.

- (2) The Rector or the Rector's representative will consult with the complainant during the preliminary Assessment process and subsequently refer the complaint to the University of Sydney for investigation in accordance with the University's *Student Sexual Misconduct Policy 2023* and *Student Sexual Misconduct Response Procedures 2023*.
- (3) Sexual misconduct and most sexual harassment by students will constitute student misconduct.
- (4) Upon completion of an investigation by the University of

Sydney under the University's *Student Sexual Misconduct Policy 2023* and *Student Sexual Misconduct Response Procedures 2023*. The Rector may consult with the complainant before referring a complaint for action under the Disciplinary Code, and will inform the complainant if the complaint is so referred.

- (5) If a complaint about a student is not referred for action under the Disciplinary Code:
 - (a) the College will be unable to take disciplinary action against the respondent; and
 - (b) the Rector will determine, in consultation with the complainant, whether the complaint is appropriate for investigation or Assisted Resolution.

16. Investigation of a complaint

- (1) In the first instance, complaints about sexual misconduct or sexual harassment will be referred to the University of Sydney for investigation in accordance with the University's *Student Sexual Misconduct Policy 2023* and *Student Sexual Misconduct Response Procedures 2023*.
- (2) The University of Sydney may elect to decline to investigate a complaint of sexual misconduct or sexual harassment in circumstances where the substantive facts relating to the complaint render an investigation under the University's *Student Sexual Misconduct Policy 2023* and *Student Sexual Misconduct Response Procedures 2023* inapplicable.
- (3) If, under Clause 16(2), the University of Sydney elects not to investigate a complaint of sexual misconduct or sexual harassment, the complaint will be investigated in accordance with the *SJC Student Complaints Procedure*.
- (4) If an investigator recommends that a complaint about a student should be the subject of action under the Disciplinary Code, the Rector may inform the complainant before disciplinary action is taken.

- (5) Alleged misconduct by staff members or associates may be investigated in accordance with procedures in the *Staff Disciplinary Procedure*.

17. Interim directions

In addition to those interim measures which may be implemented by the University of Sydney under the University's *Student Sexual Misconduct Policy 2023*:

- (1) The Rector may issue an interim direction to a student in response to:
 - (a) a complaint of sexual misconduct or sexual harassment against the student, pending:
 - (i) resolution of the complaint;
 - (ii) investigation of the complaint;
 - (iii) the conclusion of an internal disciplinary proceeding; or
 - (iv) criminal investigation and hearing; or
 - (b) an Apprehended Violence Order, whether interim or final.
- (2) An interim direction may be issued:
 - (a) to minimise the possibility of harm to any person; and/or
 - (b) to protect the integrity of an investigation or disciplinary proceeding.
- (3) An interim direction:
 - (a) is not a penalty, and
 - (b) should not be interpreted as anticipating or disclosing any finding or outcome of an investigation or disciplinary proceeding.
- (4) An interim direction must be for a defined period and may,

according to its terms:

- (a) prohibit the student from entering the College's buildings and grounds or specified parts thereof;
 - (b) prohibit the student from contacting, communicating with or approaching another student, or attempting to do so;
 - (c) prohibit the student's attendance at or participation in specified events or activities, including Student Club events and activities;
 - (d) restrict the student's access to specified College buildings, facilities or accommodation.
- (5) An interim direction may be issued summarily, and the Rector:
- (a) is not required to provide a hearing to the student before making a decision; and
 - (b) may inform himself or herself in relation to any matter in any manner that he or she thinks fit.
- (6) The Rector or Vice-Rector will provide a written notice to the student within 24 hours of issuing an interim direction specifying the terms and duration of the direction.
- (7) The Rector may at any time vary the terms of an interim direction, extend its duration, or terminate the direction, and in such case shall give written notice to the student to whom the direction has been issued.
- (8) Nothing in this policy affects the power of the Rector to issue an interim direction to a resident under the Disciplinary Code.

18. Outcome of a complaint

- (1) The outcome of a complaint of sexual misconduct or sexual harassment will be determined by the findings of any investigation, the seriousness of the complaint and the wishes of the complainant.

- (2) For complaints that result in misconduct proceedings:
 - (a) the Disciplinary Code set out the process for establishing penalties for, and appeal rights from, findings of misconduct against a student.
 - (b) the *Staff Disciplinary Procedure* sets out the process for establishing penalties for, and appeal rights from, findings of misconduct against a staff member or affiliate
- (3) The Rector or Rector's representative will inform complainants of the outcome of misconduct proceedings against students, staff members or affiliates, on a confidential basis. Where possible, this information will be delivered in person, to allow the complainant to ask questions and seek clarification about the effect of the outcome.
- (4) If the complainant does not provide sufficient detail or evidence of a complaint about a student, staff member or affiliate to enable the alleged conduct to be properly investigated, a finding of misconduct may not be made and the College will be unable to take disciplinary action against the respondent.
- (5) If a complaint about a student is not referred for action under the Disciplinary Code, or if a finding of misconduct is not made, the Rector will determine whether the complaint is appropriate for investigation or Assisted Resolution in accordance with the *SJC Student Complaints Procedure*.

Note: Assisted Resolution may include, an apology, mediation or conciliation, an agreed plan of action to avoid further incidents, and implementing awareness-raising or educational sessions about behaviour. See the *SJC Student Complaints Procedure*.

- (6) If a complaint about a staff member or affiliate does not result in misconduct proceedings, or if a finding of misconduct is not made, the Rector will determine whether the complaint is appropriate for mediation or an alternative

form of dispute resolution.

- (7) In most circumstances, mediation and conciliation will be considered inappropriate for resolving complaints of sexual misconduct.

Part 5 – Ancillary provisions

19. Confidentiality

- (1) Except as provided in subclause 20(7), the College will keep confidential all information relating to a disclosure or complaint of sexual misconduct or sexual harassment, unless the student consents to disclosure of part or all of the information for a specified purpose.
- (2) Subject to this clause, complainants and respondents must keep confidential:
 - (a) the identity of the complainant, the respondent and participants in the resolution or investigation of a complaint;
 - (b) the information provided or collected during the resolution or investigation of a complaint;
 - (c) the fact that a complaint has been made;
 - (d) any interim directions issued; and
 - (e) any report, outcome or determination of a complaint.
- (3) Complainants and respondents may disclose information referred to in subclause (2) in order to obtain support or advice from:
 - (a) an immediate family member who agrees to maintain confidentiality;
 - (b) a qualified counsellor or psychologist;
 - (c) a College Support Adviser;

- (d) a nominated support person or lawyer;
 - (e) the Police;
 - (f) the NSW Anti-Discrimination Board or Australian Human Rights Commission.
- (4) The College may disclose information about a disclosure or complaint of sexual misconduct or sexual harassment, if it is required to do so in accordance with any legal or regulatory requirement.
- (5) Where a disclosure or complaint of sexual misconduct or sexual harassment relates to an incident that is alleged to have occurred at or in connection with:
- (a) a Residential College;
 - (b) a facility or event run by or affiliated with a student representative organisation, student club or student society; or
 - (c) a student placement;

the College may disclose to the relevant Residential College, student representative organisation, student club or student society, or placement provider, as necessary, information about:

- (i) interim measures taken against a student in accordance with Clause 17, and
 - (ii) the outcome of an investigation conducted in accordance with this Policy or any internal disciplinary process.
- (6) A complainant whose complaint has been wholly or partially substantiated:
- (a) by a court;
 - (b) by the University of Sydney, following an investigation conducted in accordance with the University's *Student Sexual Misconduct Policy 2023* and *Student Sexual Misconduct Response Procedures 2023*;

may disclose:

- (c) the identity of the complainant and respondent;
 - (d) any information provided by the complainant during the investigation that relates to those parts of the complaint that were substantiated; and
 - (e) the outcome of the complaint, as it relates to those parts of the complaint that were substantiated.
- (7) A breach of confidentiality may result in disciplinary action including, where the person is a student, action under the Disciplinary Code.

20. Reports to the NSW Police

- (1) The College supports the right of students and former students who have experienced sexual misconduct or sexual harassment to decide whether they want to report the incident to the NSW Police, or not.

Note: Students and former students may also elect to contact the NSW Anti-Discrimination Board or the Australian Human Rights Commission to make a complaint of sexual harassment under anti-discrimination legislation.

- (2) A student or former student may decide to make a disclosure or complaint of sexual misconduct or sexual harassment to the College, but not report the incident to the Police. Alternatively, a student may decide to report sexual misconduct or sexual harassment to the Police, but not to make a disclosure or complaint to the College.
- (3) A person's decision to make a report to the Police will not necessarily preclude the College from investigating or taking action in response to sexual misconduct or sexual harassment. However, any internal College process may have to be suspended pending completion of the criminal process.
- (4) When deciding whether to suspend an internal College process

pending completion of a criminal process, the College will consult the Police and the complainant and will consider:

- (a) the potential for the internal process to impede or contaminate the criminal process;
- (b) the potential for the criminal process to impede or contaminate the internal process; and
- (c) whether investigating or responding to the incident has the potential to impact adversely on the rights of either or both the complainant or the respondent.

Note: The standard of proof to be satisfied in College investigations of sexual misconduct and sexual harassment is ‘on the balance of probabilities’, which requires satisfaction on the evidence that the matter found to have occurred is more likely to have occurred than not. The College will take into account the nature and seriousness of the alleged conduct when deciding whether the standard of proof is met. The standard of proof used in criminal investigations and trials is ‘beyond reasonable doubt’, which is a higher evidentiary standard of proof.

- (5) The College is required to report information about the commission of a ‘serious indictable offence’ to the Police in accordance with section 316 of the *Crimes Act 1900* (NSW).

Note: A ‘serious indictable offence’ is an offence that is punishable by imprisonment for five years or more, such as conduct referred to in this policy as rape (also called sexual assault) or sexual touching.

- (6) If a student or former student decides not to report an incident of sexual misconduct to the Police, the College will use its best efforts to protect the confidentiality of information relating to the student’s disclosure or complaint, while meeting its obligations under the *Crimes Act 1900* (NSW).
- (7) In some limited circumstances, the College may need to

report an incident of sexual misconduct to the Police against a student's wishes, to ensure the safety of the student or other members of the College community, or to meet its legal obligations.

- (8) The College will inform the student or former student before reporting an incident of sexual misconduct to the Police.

21. Active bystander intervention

- (1) The College encourages and values safe active bystander intervention by members of the College community to prevent or stop sexual misconduct and sexual harassment from occurring or continuing and will support participation in training on this topic by staff and students.
- (2) The steps involved in safe active bystander intervention are:
 - (a) noticing the situation – paying attention to what is going on nearby;
 - (b) deciding if it is a problem – investigating whether someone might need help, and checking with people around if unsure;
 - (c) accepting responsibility to take action – not assuming someone else will do something;
 - (d) making a plan to step in – indirectly or directly confronting the issue, without being aggressive or putting oneself or others in danger; and
 - (e) if there is an immediate danger to anyone's safety, calling emergency services on 000 (triple zero) and/or contacting the University's Protective Services on 02 9351 3333.

22. No victimisation

- (1) The College is committed to protecting the safety and

wellbeing of any member of its community who reports sexual misconduct or sexual harassment.

- (2) A person must not victimise or otherwise subject another person to detrimental action as a consequence of that person:
 - (a) making a disclosure or a complaint of sexual misconduct or sexual harassment;
 - (b) providing information about a disclosure or a complaint of sexual misconduct or sexual harassment;
 - (c) supporting a student who has made a disclosure or complaint of sexual misconduct or sexual harassment; or
 - (d) engaging in safe active bystander intervention.
- (3) A breach of this clause may result in disciplinary action including, where the person is a student, action under the Disciplinary Code or, where the person is a staff member or associate, action under the *Staff Disciplinary Procedure*.

23. Vexatious complaints

- (1) A student must not make a vexatious or malicious complaint of sexual misconduct or sexual harassment.
- (2) For the purposes of this policy, a complaint will be considered vexatious or malicious if the student makes it:
 - (a) knowing it to be false; and
 - (b) for the primary purpose of damaging the College or the person against whom the complaint is made.
- (3) Making such a complaint may result in disciplinary action including, where the person is a student, action under the Disciplinary Code or, where the person is a staff member or associate, action under the *Staff Disciplinary Procedure*.

24. Transactional sex and fraternisation are prohibited in some circumstances

- (1) Without limiting the effect of any other policy, students must not:

- (a) engage in transactional sex; or
- (b) engage in fraternisation;

while carrying out duties or activities directly related to the delivery of programs or research funded by the Commonwealth Department of Foreign Affairs and Trade (**DFAT**), including the Australia Awards Scholarship Program and the New Colombo Mobility Program.

- (2) For the purposes of this clause:

- (a) Transactional sex means the exchange of money, goods or services for sex, including sexual favours; and
- (b) Fraternisation means any relationship that involves, or appears to involve, partiality, preferential treatment or improper use of position including:
 - (i) voluntary sexual behaviour;
 - (ii) a close relationship involving public displays of affection or private intimacy; and
 - (iii) the public expression of intimate relations.

- (3) Where the person is staff member or associate, this may include action under the *Staff Disciplinary Procedure*.

25. Breach of this policy

- (1) The College may take disciplinary action against any person who is knowingly involved in a breach of this policy.

- (2) Where the person is a student, this may include action under the Disciplinary Code.
- (3) Where the person is a staff member or associate, this may include action under the *Staff Disciplinary Procedure*.

26. Record keeping

- (1) The College will:
 - (a) keep appropriate records of all disclosures and complaints of sexual misconduct and sexual harassment in a secure location;
 - (b) keep appropriate records of its communications with other Residential Colleges and University owned or affiliated student accommodation about disclosures and complaints of sexual misconduct and sexual harassment occurring at, or in connection with, them; and
 - (c) subject to the confidentiality requirements specified in Clause 19, allow reasonable access by students to information about themselves.
- (2) Access to information relating to a disclosure or complaint of sexual misconduct or sexual harassment will be restricted to College staff who have a need to access and use the information in order to carry out their responsibilities under this policy or the *St John's College Student Complaints Procedure*.

27. Review

This policy will be reviewed within two years of the date of the last updated version.

Schedule 1 – Emergency contacts

- (1) In an emergency, students should contact the **RA on duty** on **0411 961 746**.
- (2) In an emergency, students should contact **emergency services** by dialling triple zero (**000**).
- (3) Students who feel unsafe on a University of Sydney campus or are concerned for someone else's safety can also contact **Campus Security** on **9351 3333**, 24 hours a day.
- (4) Students and former students who have experienced sexual misconduct can contact:
 - a. **NSW Rape Crisis Service** on **1800 424 017**, 24 hours a day;
 - b. **1800RESPECT** on **1800 737 732** or online via **www.1800respect.org.au**, 24 hours a day;
 - c. **Royal Prince Alfred (RPA) Hospital Sexual Misconduct Service** on **9515 9040** (Monday to Friday) or **9515 6111** (after hours). Counselling and medical services are available for anyone who has been sexually misconducted. Campus Security can arrange transport to RPA.

Schedule 2 – Support for students and former students who have experienced sexual misconduct or sexual harassment

(A) – College support

- (1) A student or former student can make a disclosure to the College of any incident of sexual misconduct or sexual harassment:
 - (a) in person by contacting the Rector or any member of the College's Pastoral Team; or

- (b) by submitting a message via the College's Anonymous Alerts app.
- (2) A student or former student who has experienced sexual misconduct or sexual harassment can make a complaint to the College by contacting the Rector.
- (3) The Rector or Rector's representative will arrange support for a student or former student who has experienced sexual misconduct or sexual harassment.

(B) – University of Sydney support

- (1) A student or former student who has experienced sexual misconduct or sexual harassment can make a disclosure or a complaint to the University online at the University's 'Sexual Misconduct' web page or by calling **1800 SYD HLP (1800 793 457)** from 9am to 5pm, Monday to Friday.
- (2) Students who have experienced sexual misconduct or sexual harassment have access to a range of University [support services and assistance](#), including:
 - **Student Liaison Officers** – contact **8627 6808** or email safer-communities.officer@sydney.edu.au, 8.30am-5.30pm, Monday to Friday;
 - **on campus emergency accommodation** - contact Student Accommodation Services on **9351 3322**, 10am to 4pm, Monday to Friday. For after-hours emergency accommodation, contact Campus Security on **9351 3333**;
 - **security services** - contact Campus Security on **9351 3333**, 24 hours a day;
 - **health services** (for current students only) - contact the University Health Service on **9351 3484**, 8:30am to 5pm, Monday to Friday;

- **counselling services** (for current students only) – contact Counselling and Psychological Services (CAPS) on **8627 8433**, 9am to 4:30pm, Monday to Friday;
 - **disability support** - contact Disability Services on **8627 7422**, 9am-4pm, Monday to Friday;
 - **academic support** - [special consideration](#) for examinations and assessments; and
 - **student representative associations** – undergraduate students: contact the [Student Representative Council](#) (SRC) on **9660 5222**, 9am-5pm, Monday to Friday; postgraduate students: contact the Sydney University Postgraduate Representative Association ([SUPRA](#)) on **9351 3715**, 9am to 5pm (closed 12- 1pm), Monday to Friday.
- (3) Former students who have experienced sexual misconduct or sexual harassment have access to a range of University support services and assistance, which may include:
- **Student Liaison Officers** – contact **8627 6808** or email safer-communities.officer@sydney.edu.au, 8.30am-5.30pm, Monday to Friday;
 - **security services** - contact Campus Security on **9351 3333**, 24 hours a day;
 - **student representative associations** – undergraduate students: contact the [Student Representative Council](#) (SRC) on **9660 5222**, 9am-5pm, Monday to Friday; postgraduate students - contact the Sydney University Postgraduate Representative Association ([SUPRA](#)) on **9351 3715**, 9am to 5pm (closed 12-1pm), Monday to Friday.

Schedule 3 –Support for students who have been accused of sexual misconduct or sexual harassment

(A) – College support

The Rector or Rector's representative will arrange support for a student who is accused of sexual misconduct or sexual harassment upon request.

(B) – University of Sydney support

Students who are accused of sexual misconduct or sexual harassment have access to a range of University support services and assistance, including:

- **health services** - contact the University Health Service on **9351 3484**, 8:30am to 5pm, Monday to Friday;
- **counselling services** - contact Counselling and Psychological Services (CAPS) on **8627 8433**, 9am to 4:30pm, Monday to Friday;
- **on campus emergency accommodation** - contact Student Accommodation Services on **9351 3322**, 10am to 4pm, Monday to Friday. For after hours emergency accommodation, contact Campus Security on **9351 3333**;
- **disability support** - contact Disability Services on **8627 7422**, 9am-4pm, Monday to Friday
- **academic support** - [special consideration](#) for examinations and assessments; and
- **student representative associations** – undergraduate students: contact the [Student Representative Council](#) (SRC) on **9660 5222**, 9am-5pm, Monday to Friday; postgraduate students: contact the Sydney University Postgraduate Representative Association ([SUPRA](#)) on

9351 3715, 9am to 5pm (closed 12-1pm), Monday to Friday.

[end of document]

SJC STUDENT COMPLAINTS PROCEDURE

1. Name and commencement

- (1) This is the *St John's College Student Complaints Procedure*.
- (2) This Procedure commences on 1 February 2019.

2. Purpose

- (1) The College acknowledges that complaints provide an opportunity to identify areas for improvement, and to enhance the quality of its services and the experience of its students and staff.
- (2) This purpose of this Procedure is:
 - a. to support the College's commitment to enriching the experience of College life for all its students, staff and associates;
 - b. to set out the procedure for complaints made by or about students and complaints made by applicants;
 - c. to provide how complaints may be raised and how they will be assessed and resolved, where appropriate; and
 - d. to prescribe the manner in which the College will conduct investigations where required.

3. Application

- (1) Subject to subclause (2), this Procedure applies:
 - (a) to a complaint made by a student which concerns College-related conduct;

- (b) to a complaint made by any person about one or more students which concerns College-related conduct;
 - (c) to a complaint made by an applicant which concerns College-related conduct.
- (2) Complaint procedure may not be used to dispute:
 - a. the outcome of an application for admission as a student;
 - b. the outcome of an application by a student for re-admission;
 - c. a finding of fact, the imposition of a penalty, or an interim direction under the Disciplinary Code.
- (3) The College will decline to act on a complaint to the extent that it seeks to dispute a matter of the kind set out in subclause (2) of this Clause.
- (4) The College may decline to investigate a complaint in circumstances where the University of Sydney's policies otherwise supersede this procedure or provide for independent dealing with a complaint, as agreed between the College and the University of Sydney.

4. Interpretation

- (1) For the purposes of this Procedure:
 - a. ***complaint*** includes all of the ways in which problems and concerns (however described) which require the involvement of College staff to facilitate resolution might be raised by students, by workers, by associates, by applicants, or by the general public, whether orally or in writing (including email);
 - b. general inquiries, feedback and comments (including on social media sites) will not normally be considered a complaint;
 - c. if in doubt, the complainant should be asked to confirm

whether they wish to categorise their inquiry, feedback or comment as a complaint.

(2) The Rector may direct that a person shall exercise the functions of the Rector under this Procedure, either generally or for a period of time or in relation to a particular matter, in which case the expression **Rector** in this Procedure shall be taken to refer to any such person so directed by the Rector.

(3) In this Procedure:

applicant	means an applicant for admission to the College.
Assisted Resolution	means resolution between the complainant and the respondent in accordance with clause 11, assisted by the College.
associate	means consultants and contractors to the College, tutors, members of College Council and committees, and any other persons appointed or engaged by the College to perform duties or functions on its behalf.
College land	means any land occupied or used in connection with the College, including the whole or any part of any building or structure on College land.
College-related conduct	means any conduct that is connected to the College, including conduct that: • refers or relates to the College, its activities, or its staff, associates or students in their status as staff, associates or students of the College; • occurs on, or in connection with, College land or other property owned by the College; • occurs at, or in connection with, another Residential College; • occurs at or in connection with university owned or affiliated student accommodation;

- occurs using, or is facilitated by, College ICT resources or other College equipment;
- occurs during, or relates to, the performance of duties for the College;
- occurs during, or in connection with, any College related function or event (whether sanctioned or organised by the College or not) or when representing the College in any capacity;
- occurs during any event run by or affiliated with the St John's College Student Club or other College organisations, clubs or societies (whether sanctioned or organised by the College or not).

complainant means a person who has made a complaint, or in the case of a complaint made on behalf of another person, the person who is alleged to have been the subject of the conduct complained of.

Determination means a determination made under clause 12.

Disciplinary Code means the provisions relating to communications with College authorities, warnings, investigations, interim directions and disciplinary procedures in the *General Regulation*.

preliminary Assessment means an assessment carried out under clause 10.

Residential College means one or more of:

- Mandelbaum House;
- Sancta Sophia College;
- St Andrew's College;
- St John's College;
- St Paul's College;
- Wesley College;
- The Women's College.

respondent	means a person whose decision or conduct is the subject of a complaint.
sexual harassment	means sexual harassment as defined in the <i>SJC Student Sexual Misconduct and Sexual Harassment Policy</i>
sexual misconduct	means sexual misconduct as defined in the <i>SJC Student Sexual Misconduct and Sexual Harassment Policy</i>
staff or staff member	means an employee of the College, including a casual employee.
Staff Complaints Officer	means a Staff Complaints Officer under the <i>SJC Staff Complaints Procedure</i>
student	includes: (a) a person who has been admitted as either a resident student of the College or an affiliate (non-resident) student of the College, for the duration of such admission; and (b) any other person resident in the College.

For the purpose only of commencing a complaint under this Procedure, a person who is not currently a student of the College will be considered to be a student if:

- (a) they were a student of the College within one year prior to complaint being made; and
- (b) the respondent is a current staff member, student, associate or worker of the College.

**University
related
conduct**

means any conduct that is connected to the University, including conduct that:

- refers or relates to the University, its activities, or its staff, affiliates or students in their status as staff, affiliates or students of the University;
- occurs on, or in connection with, University lands or other property owned by the University;
- occurs at, or in connection with, a Residential College;
- occurs at or in connection with University owned or affiliated student accommodation;
- occurs using, or is facilitated by, University ICT resources or other University equipment;
- occurs during, or relates to, the performance of duties for the University;
- occurs during, or in connection to, any University related function or event (whether sanctioned or organised by the University or not) or when representing the University in any capacity;
- occurs during, or in connection to any event run by or affiliated with student representative organisations, student clubs or student societies (whether sanctioned or organised by the University or not);
- occurs during, or in connection to, students' clinical, practicum, internship or work experience placements; or
- occurs while a University of Sydney student is participating in an overseas exchange, study abroad or other approved program.

worker

means a person who carries out work in any capacity for the College including work as:

- a staff member;
- a contractor or subcontractor;
- an employee of a contractor or subcontractor;
- an employee of a labour hire company who has been assigned to work in the College;
- an outworker,
- an apprentice or trainee;
- a student gaining work experience performing work on a voluntary basis, or
- a volunteer.

An associate may, in relevant circumstances, be a worker under this Procedure.

5. General Principles

- (1) Complaints should be resolved sensitively, fairly, confidentially, and with a minimum of disruption while following the principles of procedural fairness.
- (2) The College must address complaints in a timely manner and take reasonable steps to finalise the resolution process as soon as practicable.
- (3) Complainants and respondents must have a reasonable opportunity to state or respond to the complaint orally and in writing, and to provide any documents relevant to the complaint.
- (4) Participants are expected reasonably to participate and co-operate during any complaint or resolution process.
- (5) Complainants and respondents may be accompanied to any meeting by a support person, if they wish.

6. Informal resolution

- (1) Where appropriate, students and applicants should seek to resolve issues informally by directly approaching the person they believe is responsible for the issue (either on their own or with another person as a support person), and:
 - (a) telling them what the issue is;
 - (b) asking them to stop or to behave differently; and
 - (c) where appropriate, keeping a written record of this action.
- (2) This clause does not apply to complaints concerning alleged criminal conduct, including sexual misconduct.

7. Making a complaint (non-sexual misconduct or non-sexual harassment matters)

- (1) Students and applicants who are unable to resolve a problem or concern through informal resolution, or consider informal resolution inappropriate, may make a complaint by contacting the Rector.
- (2) If any person other than the Rector receives or otherwise becomes aware of a complaint on behalf of an applicant or student, they must refer the complaint to the Rector.
- (3) Complainants are not required to put their complaint in writing in the first instance. However, a written complaint will be required if an investigation is needed.
- (4) Complainants are required to engage with the complaints process, and to provide sufficient details of their complaint to permit the College to conduct a preliminary Assessment and investigation, as appropriate.

Note: The College is unable to resolve complaints from complainants who decline to provide information about the respondent (if relevant), or who otherwise fail to meet these requirements.

- (5) Upon receiving a complaint, the Rector or the Rector's representative will record the following details:
 - (a) the complainant's name and contact details;
 - (b) a brief summary of the issues raised in the complaint;
 - (c) the identity of any persons named in the complaint; and
 - (d) the outcome or remedy sought by the complainant.
- (6) Where a complaint is about the content or application of a College policy or procedure rather than the conduct of particular individual(s):
 - (a) the complaint will not be considered to have an individual respondent; and
 - (b) the relevant parties may include any person who has knowledge of, or interest in, the policy or procedure.

8. Making a complaint of sexual misconduct or sexual harassment

- (1) Students who have experienced sexual misconduct or sexual harassment have a right to decide whether they want to make a complaint to the College, or not.
- (2) The College is committed to supporting students who complain about sexual misconduct or sexual harassment.
- (3) A student who:
 - (a) is unable to resolve a problem or concern through informal resolution, or considers informal resolution inappropriate; or
 - (b) has experienced sexual misconduct or sexual harassment.
- (4) Complainants are not required to put their complaint in writing in the first instance. However, a written complaint will be required if an investigation is needed.
- (5) Complainants are required to engage with the complaints process, including cooperating with the University of Sydney and providing sufficient details of their complaint to permit the

College to commence and conduct a preliminary Assessment, as appropriate.

Note: The College is unable to resolve complaints from complainants who decline to provide information about the respondent, or who otherwise fail to meet these requirements.

- (6) Upon receiving a complaint relating to sexual misconduct or sexual harassment, the Rector or the Rector's representative will record the following details:
 - (a) The complainant's name and contact details;
 - (b) the names of affected College students, including any bystanders or witnesses;
 - (c) a brief summary of the issues raised in the complaint, including details of any prospective respondent;
 - (d) the identity and details of any persons named in the complaint; and
 - (e) The outcome or remedy sought by the complainant.
- (7) Upon receiving a complaint relating to sexual misconduct or sexual harassment, the Rector or Rector's representative will:
 - (a) commence and conduct a preliminary Assessment on the basis of the information obtained in [8(6)], if appropriate; and
 - (b) refer the complaint to the University of Sydney for investigation in accordance under the University's *Student Sexual Misconduct Policy 2023* and *Student Sexual Misconduct Response Procedures 2023*.
- (8) The University of Sydney may decline to investigate a complaint of sexual misconduct or sexual harassment in circumstances where the substantive facts relating to the complaint render an investigation under the University's *Student*

Sexual Misconduct Policy 2023 and Student Sexual Misconduct Response Procedures 2023 inapplicable.

- (9) The Rector or Rector's representative will investigate a complaint of sexual misconduct or sexual harassment in the event that the University elects not to do so under [8(8)].

9. Anonymous complaints

- (1) In most circumstances, complainants will need to provide their name.
- (2) The College will not act on an anonymous complaint unless:
 - (a) the complaint relates to a College policy or procedure generally and not an individual respondent;
 - (b) it is not necessary for the respondent to be aware of the identity of the complainant in order to properly respond to the complaint; or
 - (c) there is independent documentary or other evidence supporting the complaint and the allegation can be tested fairly.

10. Preliminary Assessment

- (6) Upon receiving a complaint of sexual misconduct or sexual harassment, the Rector or the Rector's representative will conduct a preliminary Assessment of the complaint, which will include assessing the seriousness of the matter complained of and determining the most appropriate course of action to deal with the complaint.
- (7) Where reasonable, the preliminary Assessment should be completed within 5 working days of the complaint being received by the Rector or Rector's representative.
- (8) So far as reasonably practicable, the preliminary Assessment of a complaint of sexual misconduct or sexual harassment made under Clause 7 should be completed within 2 working days of the complaint being received by

the Rector or the Rector's representative.

- (9) Where this timeframe is not reasonable, the Rector or Rector's representative will advise the complainant of the reasons for the delay, and of the projected timeframe for completion of the preliminary Assessment.
- (10) Where the complaint relates to the conduct of a student, the preliminary Assessment may involve, as appropriate:
 - (a) convening discussions with the relevant parties (each party may bring a support person to any discussion);
 - (b) collating and reviewing any relevant documentary material;
 - (c) considering whether the matter is appropriate for Assisted Resolution;
 - (d) considering whether action should be taken under the Disciplinary Code.
- (11) The Rector may decide to take no further action where:
 - (a) the complainant has provided insufficient detail or evidence of the issue to enable the matter to be properly assessed;
 - (b) the complainant does not fall within subclause 3(1);
 - (c) the matter complained falls within subclause 3(2);
 - (d) the complaint relates to alleged conduct that occurred more than 12 months before making the complaint and no further occurrence has happened in the ensuing 12 months;
 - (e) the complaint is frivolous, vexatious or malicious;
 - (f) the complainant does not wish any further action to be taken.

- (12) At the conclusion of the preliminary Assessment, the Rector may give the complainant (and, where appropriate, the respondent) a statement of the outcome of the preliminary Assessment.
- (13) Where the complainant relates to the conduct of a staff member or associate (or a worker in the case of a complaint of bullying), the Rector may:
 - (a) consult with, and refer the complaint (as it relates to the staff member or associate or policy or procedure) to an appropriate member of the College Staff (such as the pastoral support tutor or senior resident tutor); and
 - (b) advise the complainant of the referral.
- (14) Where a complaint relates to alleged bullying, harassment or discrimination by a staff member or affiliate (or a worker in the case of a complaint of bullying), the procedures set out in the *SJC Staff Complaints Procedure* will apply.

11. Assisted Resolution

- (1) Upon receiving a complaint of sexual misconduct or sexual harassment, the Rector or the Rector's representative will conduct a preliminary Assessment of the complaint, which will include assessing the seriousness of the matter complained of and determining the most appropriate course of action to deal with the complaint.
 - (a) clarifying a misunderstanding;
 - (b) an apology;
 - (c) facilitated discussion, including mediation or conciliation;
 - (d) an agreed plan of action to avoid further incidents; and
 - (e) implementing awareness-raising or educational

sessions about behaviour.

- (2) Any facilitated discussion including mediation or conciliation will be conducted on a “without prejudice” basis to enable the parties to openly discuss the resolution of the matter. This means that:
 - (a) any information disclosed during the mediation or conciliation must be kept confidential in accordance with clause 18; and
 - (b) the participants must not use or rely on information gained during or in connection with the mediation or conciliation (including any admissions, offers, concessions or statements made by parties) in any other forum, including in any legal or regulatory proceedings.
- (3) Where reasonable, the Assisted Resolution process should be completed within 10 working days of the preliminary Assessment.
- (4) Where 10 working days is not reasonable, the Rector must advise the complainant of the reasons for the delay, and of the projected timeframe for resolution.

12. Determination when Assisted Resolution is unsuccessful or inappropriate

- (1) Where Assisted Resolution is unsuccessful or considered inappropriate, the Rector will determine whether:
 - (a) the matter should be investigated under Clause 13;
 - (b) action should be taken under the Disciplinary Code or, if appropriate, referred to the police; or
 - (c) any other action should be taken.
- (2) Where reasonable, Where reasonable, the Determination should be made within 5 working days of the preliminary

Assessment or from the date that the Rector declares that Assisted Resolution has been unsuccessful.

- (3) Where 5 working days is not reasonable, the Rector will advise the complainant of the reasons for the delay, and of the projected timeframe for conclusion of the Determination.
- (4) Subject to subclause (5), circumstances in which a Determination to take no further action may be made include where:
 - (a) the person who made the complaint has provided insufficient detail or evidence of the issue to enable the matter to be properly investigated;
 - (b) the complaint is frivolous, vexatious or malicious;
 - (c) the complaint related to alleged conduct that occurred more than 12 months before making the complaint and no further occurrence has happened in the ensuing 12 months.
- (5) The Rector will inform the complainant (and, where appropriate, the respondent) in writing of the Determination.

13. Investigation (non-sexual misconduct or non-sexual harassment matters)

- (1) The Rector may initiate an investigation:
 - 1. for a serious complaint (as determined by the College in its absolute discretion), taking into account the complainant's views and circumstances;
 - 2. where Assisted Resolution is where Assisted Resolution is unsuccessful or not appropriate; or

3. in other circumstances, where the College considers it to be appropriate.
- (2) The Rector or the Rector's representative will inform the parties to a complaint;
 - (a) that an investigation has been initiated;
 - (b) who is conducting the investigation; and
 - (c) the expected timeframes of the investigation.
- (3) An investigator will provide a respondent with:
 - (a) a statement of allegations in sufficient detail to enable the respondent to answer the allegations; and
 - (b) a reasonable period of time within which to answer the allegations.
- (4) An investigator shall make findings of fact and may make recommendations for resolving a complaint, in accordance with College rules, protocols, policies and procedures.
- (5) Where reasonable, the investigation should be concluded within 10 working days of the Determination made under clause 12.
- (6) Where 10 working days is not reasonable, the Rector must advise the complainant of the reasons for the delay, and of the projected timeframe for conclusion of the investigation.

14. Investigation of sexual misconduct or sexual harassment complaints

- (1) Upon receiving a complaint relating to sexual misconduct or sexual harassment, the Rector or the Rector's representative will record the following details:
 - (a) The complainant's name and contact details;

- (b) The names of affected College students, including any bystanders or witnesses;
 - (c) a brief summary of the issues raised in the complaint, including details of any prospective respondent;
 - (d) the identity and details of any persons named in the complaint; and
 - (e) the outcome or remedy sought by the complainant.
- (2) Upon receiving a complaint relating to sexual misconduct or sexual harassment, the Rector or the Rector's representative will:
- (a) commence and conduct a preliminary Assessment on the basis of the information obtained in [8(6)], if appropriate, and;
 - (b) refer the complaint to the University of Sydney for investigation in accordance with the University's *Student Sexual Misconduct Policy 2023* and *Student Sexual Misconduct Response Procedures 2023*.
- (3) The University of Sydney may elect to decline to investigate a complaint of sexual misconduct or sexual harassment in circumstances where the substantive facts relating to the complaint render an investigation under the University's *Student Sexual Misconduct Policy 2023* and *Student Sexual Misconduct Response Procedures 2023* inapplicable.
- (4) The Rector or the Rector's representative will investigate a complaint of sexual misconduct or sexual harassment in the event that the University of Sydney elects not to do so under [14(3)].
- (5) In the event that the University of Sydney, in accordance with [14(4)], elects not to conduct an investigation, the Rector or the Rector's representative will inform the parties to a complaint:
- (a) that an investigation has been initiated;

- (b) who is conducting the investigation; and
 - (c) the expected timeframes of the investigation.
- (6) An investigator will provide a respondent with:
- (a) a statement of allegations in sufficient detail to enable the respondent to answer the allegations; and
 - (b) a reasonable period of time within which to answer the allegations.
- (7) An investigator shall make findings of fact and may make recommendations for resolving a complaint, in accordance with College rules, protocols, policies and procedures.
- (8) Where reasonable, the investigation should be concluded within 15 working days of the commencement of the investigation, subject to the exigencies of the College and parties to the complaint.
- (9) Where 15 working days is not reasonable, the Rector or Rector's representative must advise the complainant of the reasons for delay, and of the projected timeframe for the conclusion of the investigation.

15. Outcome of investigation

- (1) At the conclusion of the investigation the Rector will decide whether action should be taken under the Disciplinary Code and if so will inform the complainant in writing.
- (2) If action is not taken under the Disciplinary Code, the Rector may take into account investigation findings and any recommendations of the investigator, and give the complainant (and, where appropriate, the respondent) a written statement of the outcome of the complaint.
- (3) The outcome and findings of any investigation conducted under Clause 14 will be communicated by the University of Sydney to the Rector, including any recommendations of action to be taken.

16. Vexatious complaints

- (1) A person must not make a vexatious or malicious complaint.
- (2) A person must not make a complaint without reasonable cause.
- (3) For the purposes of this policy, a complaint will be considered vexatious or malicious if a person makes it:
 - (a) knowing it to be false; or
 - (b) for the primary purposes of damaging the College or the person against whom the complaint is made.
- (4) If the Rector or investigator believes that a person has made a vexatious or malicious complaint:
 - (a) the matter will be treated as a complaint for the purpose of this Procedure;
 - (b) the Rector must make an Assessment in accordance with clause 9 of this Procedure; and
 - (c) this Procedure will also apply to the determination of whether a vexatious or malicious complaint has been made.

17. External assistance and advice

- (1) The College will make every reasonable effort to resolve complaints internally, subject to any agreement or arrangement with the University of Sydney requiring resolution or investigation of complaints to be conducted externally to the College.
- (2) However, if a person alleges conduct by a person over whom the College has no jurisdiction, the College may be required to refer the person raising the complaint to an external complaints procedure or to another agency.

18. Confidentiality

Except as provided in Clause 19, the following matters must not be disclosed to any other person, by any form of communication:

- (a) the identity of the complainant, respondents and participants in any complaint or investigation;
- (b) information provided or collected during any consideration or investigation of a complaint;
- (c) the fact that a complaint has been made; or
- (d) any report, outcome or determination of a complaint.

19. Disclosure of information

- (1) When used in this clause, ***information*** refers to any information generated or collected in connection with the resolution or outcome of a complaint.
- (2) Information may be disclosed by a College staff member or an investigator in the following circumstances.
 - (a) **To obtain a response.** Information, including information which may identify an individual as its source, may be disclosed to another participant in order to permit them to provide a proper response. Examples may include:
 - (i) identifying a party to a conversation in order to obtain details of that conversation; or
 - (ii) where an individual's identity is apparent from a document (such as an email) which cannot be appropriately edited without loss of meaning.
 - (b) **To prepare a report or letter.** As part of the resolution of a complaint, a College staff member or an investigator may produce, or cause to be produced, for the College, a confidential report or letter setting out the findings of facts that have been made, or associated outcomes. Such a report or letter:
 - (i) may be provided orally or in writing; and
 - (ii) may summarise or annex information or documents provided by individuals during the resolution of the complaint (including transcripts of interviews or written statements).
 - (c) **To enable proper performance of duties.** Any report or

letter, or information may be disclosed by the College to individuals within the College if it is appropriate for the recipient to receive the material in the proper performance of their duties.

- (d) **To obtain assistance or advice.** The College may disclose material to its legal or other advisers or other third parties engaged to assist in the resolution of the complaint. Participants may disclose such material to their legal or financial advisers, provided the disclosure is made on a confidential basis and the advisers agree to comply with the requirements of this Procedure.
- (e) **To ensure the safety and wellbeing of a participant.** Information may be disclosed by the College where the College needs to ensure the safety or wellbeing of a participant.
- (f) **To support people.** Support people present during an interview will be aware of information disclosed during the interview. Participants may also choose to disclose documents or information to any of the following, provided that the recipients agree to comply with the requirements of this Procedure:
 - (i) immediate family;
 - (ii) a qualified counsellor.
- (g) **In response to enquiries.** The College may disclose information in response to enquiries from internal or external parties (including the media), provided that:
 - (i) any disclosure must be approved by the Rector;
 - (ii) disclosure will only be approved where, in the opinion of the Rector, the intended recipient has legitimate grounds to receive such information; and
 - (iii) where appropriate, such disclosure is made without naming the individuals concerned in the complaint or disclosing the particular conduct alleged in the complaint or the respondent's response.
- (h) **To a complainant or respondent.** The College may inform a complainant or respondent generally of the

outcome of the complaint or any relevant action taken.

- (i) **To other interested parties:** The College may disclose the outcome of a complaint or any relevant action taken, to third parties who are affected by the matter, subject to the requirements of paragraph (f).
- (j) **Public statement:** In cases which involve conduct or comments by the complainant or respondent of a public nature, the College may disclose the outcome of a complaint or any relevant action taken, in a public statement, subject to the requirements of paragraph (f).
- (k) **Legal requirements.** The College may disclose information if required to do so under any legal or regulatory requirements.

18. No victimisation

A person must not victimise or otherwise subject another person to detrimental action as a consequence of that other person raising, providing information about, or otherwise being involved in the resolution of a complaint.

19. Record keeping

- (1) The College will keep appropriate records of all complaints and allow parties to the complaint reasonable access to those records.
- (2) All records collected, generated or used as part of the resolution or determination of a complaint under these procedures will be stored confidentially in the College's central records management system.

NOTES

SJC Student Complaints Procedure

Date adopted: 24 January 2019

Date commenced: 01 February 2019

Date amended: 20 August 2024

[end of document]

SJC PRIVACY POLICY

1. Name of policy
This is the *St John's College Privacy Policy*.
2. Commencement
This policy commences on 1 February 2017.
3. Statement of intent
 - 3.1 St John's College collects personal information in the course of carrying on its business as an independent residential college within the University of Sydney.
 - 3.2 The College respects the privacy of personal information and observes the *Australian Privacy Principles* contained in the *Privacy Act 1988* (Cth).
4. What is personal information?
Personal information is any information, including opinions, about an identified or identifiable individual, whether true or not, or recorded in a material form or not.
5. What kind of personal information does the College collect?
 - 5.1 The College collects personal information, including sensitive information, for the purposes of its core business of providing educational and academic programs and residential accommodation for its resident and affiliate students.
 - 5.2 The information collected may be about:
 - current students or applicants;
 - the parents or guardians of current students and applicants;
 - other residents of the College;
 - staff members and job applicants;
 - alumni;
 - donors; or volunteers;
 - consultants or contractors;

- other people who come into contact with the College.
- 5.3 The personal information collected about a person may include but may not be limited to: name, contact details, date of birth, nationality, gender, medical information, dietary requirements, occupation, qualifications, relationship to students or residents, enrolment and academic results, IT network usage, misconduct and discipline.
6. How is personal information collected?
- 6.1 Personal information is collected in digital form, on paper, and in photographs, film and video recordings.
- 6.2 Information is collected:
- from application forms (for example, for entry to College and for scholarships);
 - when interviewing or meeting with students or residents or prospective students or residents and their parents and guardians;
 - when receiving payments or donations;
 - when receiving course enrolment information and academic results from the University of Sydney and other institutions;
 - from question or survey forms administered to students;
 - from enrolment or subscription forms for student, parent or alumni programs or events;
 - from correspondence;
 - when receiving applications or bookings for conferencing, accommodation and external events;
 - when photographing or recording student or alumni events held within College or in which students or alumni participate outside of College.
- 6.3 Personal information is collected by College staff during the day-to-day administration of the College and attendance of students in the College. Personal information is also collected by automated systems within the College's IT network resources.
- 6.4 The College may seek to collect and update personal information via email or the internet, by telephone, by mail or in person.

7. Use and disclosure of personal information

7.1 The College collects, holds, uses and discloses personal information for the following purposes:

- governance, administration and management of the College;
 - employment and management of staff;
 - admission and readmission of students;
 - providing network resources including internet access and wifi for students, residents and staff;
 - invoicing and collecting fees and charges;
 - pastoral care of students;
 - health and welfare of students, residents and staff;
 - providing academic programs and monitoring academic performance of students;
 - awarding and administration of scholarships, bursaries and prizes;
 - supporting student activities including social, cultural and sporting activities;
 - facilitating the management of sporting and cultural competitions;
 - managing student conduct issues and disciplinary processes;
 - conducting surveys;
 - soliciting and receiving donations;
 - organising student, alumni and other College events;
 - managing relationships with alumni and alumni associations;
 - maintaining an electoral roll and conducting elections for members of College Council;
 - marketing and promotions;
-
- publishing books, magazines and newsletters,
 - maintaining websites;
 - posts on social media;
 - permitted general or health situations under the *Privacy Act*.

7.2 Personal information about individuals is authorised to be used for the purposes for which it was collected.

- 7.3 Where carrying out the above purposes reasonably requires disclosure of personal information to another party, disclosure will only be made on a confidential basis and subject to the application of the *Australian Privacy Principles* to that party, if it is reasonable and practical to do so.
- 7.4 Personal information about an individual may be disclosed:
- if required by law;
 - to law enforcement authorities for the purpose of investigating or prosecuting criminal or other unlawful acts;
 - as authorised by a Student Contract;
 - in accordance with provisions of the *General Regulation* or other published College rules or policies;
 - in accordance with the *Joint Investigation Protocol* agreed between the University of Sydney and its residential colleges;
 - in the course of collecting outstanding debts.
8. Security of personal information
- 8.1 The College stores personal information under the control of the Rector and authorised staff:
- electronically in onsite data storage media;
 - electronically in cloud-based offsite storage;
 - in paper-based files kept onsite or archived offsite.
- 8.2 The College has implemented measures to ensure protection of personal information from misuse, loss, unauthorised access and modification, or improper disclosure.
- 8.3 Except as otherwise provided in this Policy, the College does not grant access to personal information to outside parties unless legally required to do so.
- 8.4 The College takes reasonable steps to destroy or de-identify information that is no longer required for use, after any period of time for which the College is legally required to retain the information.

9. Access to your personal information
 - 9.1 You may apply for access to the personal information about you held by the College and you may inform the College of any information held which you believe is not correct.
 - 9.2 If your personal details change, such as your mailing or email addresses, or telephone number, please contact the College to update your details online through the website or by sending us an email or letter. When we become aware that your details have changed we will update them.
 - 9.3 To access personal information the College holds about you, please contact the Executive Officer, who is the College's Privacy Officer, at **secretary@stjohnscollege.edu.au**.
10. Sending information overseas
 - 10.1 The College may send personal information about an individual to overseas recipients. This is most likely to occur when providing information about students or alumni who have applied for positions or scholarships at overseas institutions or employers, or to facilitate exchanges with overseas educational institutions.
 - 10.2 The College may also send personal information overseas when storing it with cloud service providers situated outside Australia.
 - 10.3 The College will not disclose personal information to an overseas recipient without:
 - (a) taking reasonable steps to ensure that the overseas recipient does not breach the Australian Privacy Principles in relation to that information; or
 - (b) obtaining the individual's consent to the disclosure (in which case (a) will not apply).
11. Information technology
 - 11.1 The College's website may use cookies. Cookies are data that a website transfers to a computer's hard drive for record-keeping purposes. Cookies can facilitate your ongoing access to and use of a site by remembering information about you at a later time. If you

do not want information collected through the use of cookies, you can disable the cookie function in your browser. You should note that cookies may be necessary to provide you with some features on the College website.

- 11.2 The College website may contain links to other sites. The College is not responsible for the privacy practices or the content of other sites.
- 11.3 Information about yourself that you disclose by posting it on bulletin boards, chat rooms or social media and similar digital media platforms may become public information. If you disclose your personal information, or that of other residents and staff, while resident in College, the College cannot protect that personal information.
- 11.4 The College encourages all residents and staff to respect and protect the personal information of others. For more information, contact the College Privacy Officer at secretary@stjohnscollege.edu.au.
- 12. Questions or complaints
 - 12.1 If you have a question about the application of our Privacy Policy, please contact College Privacy Officer at secretary@stjohnscollege.edu.au.
 - 12.2 If you have a complaint about the collection, use or destruction of your personal information, your complaint should be directed in the first instance to the College Privacy Officer at secretary@stjohnscollege.edu.au. We will investigate your complaint and attempt to resolve any breach of the *Australian Privacy Principles* that might have occurred in accordance with the *Privacy Act*.
 - 12.3 If you are not satisfied with the outcome of this procedure, then you may request that an independent person (usually the Office of the Australian Information Commissioner) investigate your complaint.

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ST JOHN'S COLLEGE

within the University of Sydney

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