

4th July 2018

Mrs Sylvia Tunley Blayse
editme09@gmail.com

Office of the Deputy Vice-Chancellor
(Academic)
Deputy Vice-Chancellor (Academic)
Professor Joanne Wright
Joint Honours Kent MLittAberdeen
PhD ANU GAICD
CRICOS PROVIDER NUMBER 000258

Dear Mrs Tunley Blayse

OUTCOME OF COMPLAINTS

I write to advise you of the outcome of The University of Queensland's investigations into your complaints, made as a former student of the University.

A copy of the University's Outcome Advice is **attached**.

Thank you for your patience during this process. We appreciate the deeply personal nature of this matter and recognise that you have been seeking a response from the University over an extended period of time. Following your first meeting with me on Thursday, 27th July 2017 and your interview with the IIU on Friday, 10th November 2017, we have moved as quickly as possible to finalise your complaints and have kept you informed of progress.

The University endeavoured to be as thorough in its investigation as possible, and to afford procedural fairness to all parties involved. As you are aware, the IIU was able to interview Dr Boughen during the later stages of its investigation, which was of some assistance. We also appreciate your willingness to provide further information when requested and to cooperate with all aspects of the investigation.

I have reviewed the Outcome Advice and the findings of Professor Julie Duck, Acting Executive Dean, Faculty of Humanities and Social Sciences. I am satisfied that the University's investigation and findings have been undertaken with rigour and that your complaints have been fairly heard and duly considered.

Given the passage of time of nearly 50 years since the alleged assault in 1969, I note the IIU's enquiries although extensive, are based on the available evidence. The passage of time was the key challenge that I discussed with you when we first met, but your desire, which was completely understandable in the circumstances, was for the University to proceed with an investigation.

One of the primary concerns you articulated when we first spoke was that you wanted the University to listen, and I can personally assure you that you have been heard. I am hopeful that the University's thorough investigation will assist in your healing process and enable you to move forward.

On behalf of the University, I acknowledge all of the information you have shared with us as to the impact that your experiences have had on you over an extended period of time. We have previously discussed this impact and, if you would like to meet again to talk about how your experiences have affected you, I would be willing to do so.

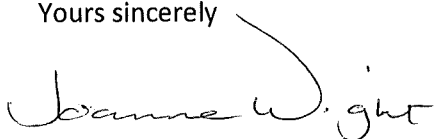
I would also like to reiterate that today, at an institutional level, the University is committed to ensuring that its environment is safe, respectful and free from all forms of sexual misconduct for all

staff and students and that processes are in place and implemented with respect to preventing, addressing and responding to sexual misconduct.

Having made the findings as set out in the Outcome Advice, the University now considers the handling of your complaints to be finalised.

Please contact me should you have any questions in relation to the outcome of your complaints.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Joanne Wright', with a stylized flourish at the end.

Professor Joanne Wright
Deputy Vice-Chancellor (Academic)

Enclosure

CONFIDENTIAL

OUTCOME ADVICE

This is an outcome advice in respect of two complaints made by Mrs Sylvia Tunley Blayse, a former student, to The University of Queensland in 2017.

The complaints are:

- (i) Allegation one: that in 1969, Mrs Sylvia Tunley Blayse was groomed and sexually assaulted by Dr Robert Boughen, a then member of staff in the Faculty of Music; and
- (ii) Allegation two: the handling of Mrs Sylvia Tunley Blayse's complaints by the University in 1996/97, 2003/04 and 2014.

Findings

The University's Integrity and Investigations Unit (IIU) conducted an investigation into the complaints following a referral from Professor Joanne Wright, Deputy Vice-Chancellor (Academic), and delivered an investigation report in June 2018.

The IIU's investigation report was referred by Professor Wright to an independent decision maker in the relevant Faculty, Professor Julie Duck, Executive Dean (Acting), Faculty of Humanities and Social Sciences, to make a decision in relation to the complaints.

Professor Duck has made the following findings based on the civil standard of proof:

- (i) **Allegation one:**
 - Allegation is not capable of being substantiated.
 - However, a finding has been made that Dr Boughen did engage in a relationship of a sexual nature with Mrs Tunley Blayse between 1969 and 1973 (albeit without sexual intercourse), which Mrs Tunley Blayse refers to as an "affair". The "affair" commenced while Mrs Tunley Blayse was a University student aged 17 and Dr Boughen was her organ tutor. Although there was no prohibition at the time in University policies or procedures with respect to personal relationships between students and their tutors, the power imbalance between Dr Boughen and Mrs Tunley Blayse was substantial.
- (ii) **Allegation two:**
 - The University has not been able to demonstrate that it complied with its reporting obligations under legislation and its policies applicable at the relevant times in handling Mrs Tunley Blayse's complaints when made in 1996/1997 and again in 2003/2004; and
 - The University did comply with its reporting obligations under legislation and University policies applicable in 2014 when Mrs Tunley Blayse made a further complaint.

Allegation one

In making the finding in respect of allegation one, the decision maker noted the following matters:

- Grooming is defined by the *Criminal Code 1899* as conduct in relation to a person under the age of 16 and Mrs Tunley Blayse was 17 at the time of commencing her study at the University. Further, Mrs Tunley Blayse was considered at law to be of consenting age in 1969.
- Mrs Tunley Blayse's version of events in 1969 was corroborated by some, but not all, witnesses. On balance, there was insufficient corroborating evidence to substantiate an allegation of sexual assault.
- With the significant passage of time since the alleged grooming and sexual assault, it was difficult for the investigator to sufficiently source all relevant evidence.

Allegation two

In making the finding in respect of allegation two, the decision maker noted the following matters.

1996/97

In 1996 when Mrs Tunley Blayse first submitted a formal complaint to the University, this was more than 20 years after the alleged grooming and sexual assault. At this time, complaints of sexual harassment were addressed by the University in accordance with its *Handbook of Administrative Information – Management of Sexual Harassment Grievances*. The University recognised in the Handbook that all students and staff had the right to work and study in an environment free from sexual harassment. In 1996, although retired as a lecturer, Dr Boughen was still employed as the University Organist and therefore a member of staff. In addition to the University's internal Handbook, the University was also obligated to report any suspected official misconduct to the then Criminal Justice Commission.

The University does not hold any records from 1996/97 that demonstrate if and how the University responded to Mrs Tunley Blayse's complaint, including whether it was considered for referral to an external authority. In accordance with the University's retention and disposal schedule for records, there is no requirement for the University to have retained records from this time.

2003/04

Dr Boughen was no longer an employee of the University in 2003/04. At this time, complaints of sexual harassment were addressed by the University in accordance with its internal Policy *Prevention of Sexual Harassment Policy (PPL 1.70.02)*. The Policy did not explicitly state that its application extended only to current staff, but practically, any action flowing from this Policy in relation to misconduct or serious misconduct was taken under the relevant awards and industrial agreements applicable to current staff. The Policy recognised that the University could in a very serious case refer matters to external authorities.

Strictly Private & Confidential

The University does not hold any records from 2003/04 that demonstrate if and how the University responded to Mrs Tunley Blayse's complaint, including whether it was considered for referral to an external authority. As is the position with the 1996 records, there is no requirement for the University to have retained records from this time.

2014

Dr Boughen remained a past, rather than current, employee of the University in 2014. Complaints of sexual harassment were addressed by the University in accordance with its internal Policy *Prevention of Sexual Harassment Policy (PPL1.70.02)*. Unlike the earlier 2003/04 policy, this Policy's application extended only to current staff and students of the University. For this reason, the University was under no obligation to investigate the allegation. However, the University referred the allegation to the then Crime and Misconduct Commission (now known as the Crime and Corruption Commission), following which the University was advised to take no action.

Conclusion

This concludes the University's investigation of Mrs Tunley Blayse's complaints and no further action will be taken by the University at this stage.