

The University of Queensland Union College

Addressing Concerns & Complaints

Policy

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Introduction

Everyone who lives, studies, or works at Union College has the right to do so in a safe and inclusive environment, and has a role in creating and maintaining such an environment.

This Policy operates in conjunction with the *Resident Code of Conduct*, the *Worker Code of Conduct*, the *Sexual Misconduct Policy*, and all other related policies.

The purpose of the *Addressing Concerns and Complaints Policy* is to set out:

- the steps for residents who may have concerns or wish to make a complaint about the behaviour or conduct of another student, a UC team member, a contractor engaged by the College, or someone outside of the College community (section 2),
- the principles and procedures that will apply in the event of an investigation by the College into allegations about the conduct of a resident ('Steps to Consider' and Annexure A),
- the principles and procedures that the College will follow in responding to inappropriate behaviour by a resident such as discrimination, bullying, harassment, or sexual misconduct, or conduct that otherwise breaches the *Resident Code of Conduct*, the *Sexual Misconduct Policy*, or other related policies ('Investigations' to 'No Victimisation'),
- the range of consequences that may apply if an allegation about a resident's breach of the *Resident Code of Conduct*, the *Sexual Misconduct Policy* or other related policies is substantiated ('Acting Honestly and with Integrity'), and
- the review procedure and what may happen after any investigation ('Determination Section' and 'Consequences').

As outlined in the Resident Code of Conduct, you can expect that any breaches of any Union College policy will be dealt with by the College fairly and in accordance with the standards and expectations set out in this Policy and all other College policies.

As a general principle, breaches will have consequences that are proportionate to the seriousness of the breach.

Scope

The *Addressing Concerns and Complaints Policy* applies to any conduct that might breach the *Resident Code of Conduct*, the *Sexual Misconduct Policy*, or other related policies.

The College may act under this Policy even if there has been no complaint.

Where there is a reference to "worker" in this Policy, it includes employees of the College, contractors, and employees of contractors to the College.

Steps to consider.

You may find it helpful to talk over a problem with a UC team member (such as the Head of College, Deputy Head of College, Head of Finance & Operations) before deciding how to address a concern.

Members of the College team may be able to guide you in ways of dealing with some difficult situations and can explain options and avenues for help and support.

Steps to consider	Description
Informal resolution – personal approach	Where appropriate, and if comfortable to do so, you may seek to resolve issues by directly approaching the individual whose behaviour is of concern and communicating in an appropriate way with them why their behaviour is of concern and asking them to stop.

If you have any questions about this policy, please do not hesitate to contact the Head of College via email at headofcollege@unioncollegeuq.com.au

Steps to consider	Description
	<p>If they have tried this and it didn't help, or if they wish to raise the matter with a UC team member, this step may not be appropriate.</p> <p>If the matter is serious (including concerns of sexual misconduct), or if the resident does not feel comfortable approaching the individual concerned, they should raise the matter with a member of worker.</p>
Anonymous disclosure	<p>You may make an anonymous complaint by a form on the College's website under Contact/Feedback. This form is submitted directly to the Head of College.</p> <p>The College will act on anonymous complaints.</p> <p>However, subject to the information provided, anonymity may limit the College's ability to act. The College needs sufficient information to permit the College to understand the concerns and to determine what action is appropriate and proportionate to address the anonymous complaint, including if further investigation is required.</p>
Raise the matter with worker.	<p>You are encouraged to raise concerns with the Deputy Head of College, as they are responsible for resident wellbeing in the College.</p> <p>However, you can raise their concerns with any team member of the College (who will then raise the matter with the Deputy Head of College or the Head of College as appropriate).</p> <p>You are not required to put their concerns in writing in the first instance, but they may later be asked to do so. You must provide sufficient details about their concerns to allow the College to understand the concerns and how best to address them, including whether further investigation is required.</p> <p>This includes details about the issues, persons involved, and the outcome sought. Contacting the Deputy Head of College does not automatically lead to an investigation. Through discussion, the resident and the Deputy Head of College, and where relevant other you affected by the conduct, will consider various options such as clarifying a misunderstanding, an apology, joint discussions (e.g. conciliation), counselling, worker explaining the impact of the behaviour to the resident against whom the allegation is made, an agreed plan of action to avoid further incidents, or implementing awareness-raising or educational sessions about behaviour.</p> <p>If the matter is serious, the College will investigate and will determine what form the investigation will take. The matter may be investigated internally or externally.</p> <p>If the matter is serious or impacts on the health and safety or wellbeing of students, worker or compliance with college policies, the College may take such action as it considers necessary, to address the conduct, regardless of whether any of the affected parties wish to pursue or support disciplinary proceedings.</p>
Other avenues	<p>The University of Queensland has complaint resolution mechanisms to resolve concerns between you and worker of the University.</p> <p>Where the complainant and the respondent are both enrolled at The University of Queensland, these may be used instead of this Policy.</p> <p>Other universities also have complaint resolution mechanisms to address complaints between you of those universities.</p>

Steps to consider	Description
	<p>Complaints may also be taken to external bodies such as the Queensland Police Service or the Queensland Human Rights Commission or the Australian Human Rights Commission.</p> <p>Seeking other avenues to resolve concerns or complaints does not prevent the College from conducting its own investigation.</p>

Investigations

If the College considers that an investigation is required, it will proceed in accordance with the steps outlined in Annexure A - Investigation Procedures.

Generally, any internal investigation will be undertaken by the Deputy Head of College (or authorised representative) and any external investigation will be undertaken by a person or panel appointed by the Deputy Head of College.

The following general principles apply to any investigation:

- a) You are expected to co-operate with any investigation, which includes attending any interview with any internal or external investigator, answering their questions honestly and comprehensively, providing access to any hard copy or electronic document, image, or recording,
- b) You can expect that during any interview during an investigation, the investigator will discuss the investigation process (including as set out in Annexure A), that the complainant can withdraw their concerns (or complaint) at any stage and discuss options for external reports, including to the police,
- c) The investigator will acknowledge the emotional impact of the investigation process on those involved, and at the same time seek to impartially gather an understanding of the incident/concerns,
- d) The College expects that any information provided by a resident during an investigation is for the purposes of the College's investigation, decision-and disciplinary making only and may not be used in any criminal or civil investigation or process against that student,
- e) The investigator may, in appropriate cases and with the consent of the parties involved, convene a meeting to be attended by all relevant you at which a full and frank discussion may be expected with the aim of assisting you to agree upon facts and any outcome,
- f) Everyone who participates in the investigation will be expected to comply with any direction of confidentiality to protect the integrity of the investigation and the dignity and conduct of the parties involved,
- g) Following consultation with the Head of College, the Deputy Head of College may put temporary measures in place to protect the integrity of the investigation and the health, wellbeing and dignity of the persons involved. Such steps may include directions which separate the interaction of relevant persons or restrictions on attending activities or locations within the College, and may extend to directing a resident not to attend at the College, pending the outcome of the investigation,
- h) For any investigation, a resident may have a support person in attendance, upon the condition that the support person agrees that they are not an advocate for the resident and undertakes to preserve the confidentiality of everything that they become aware of because of participating in this process,
- i) You or your support person may take notes during any investigation. If you wish to make any electronic recordings of the meeting, this will be undertaken by the investigator, with copies made available to you and the Deputy Head of College. UC copies will be retained for the duration of the investigation and any review period, whereupon it may be disposed of by the College.
- j) Where the conduct being investigated may constitute sexual misconduct under the *Sexual Misconduct Policy*, the College will make available an experienced and trained worker member to both the complainant and

respondent who will be available to support them during the investigation. A different UC team member will act as support person for each resident involved and will play no other part in the investigation and will not discuss the case within the team or each other. You may also have internal or external support person, on the conditions set out above. The College will offer professional, external counselling to both complainant and respondent, and

- k) The investigator will provide the respondent with sufficient information and particulars to allow the respondent to understand the nature of the concerns and to have a full and fair opportunity to respond to them.

Timeliness

Timeliness is an important principle of any investigation subject to the need to ensure that a full and fair opportunity is given to understand and respond to the concerns.

Subject to confidentiality requirements, the College will endeavour to inform both complainant and respondent of the progress of any investigation and advise them of any delays in the process that may arise.

Confidentiality

Where possible and subject to resident safety and wellbeing and compliance with relevant privacy laws, the College aims to deal with resident concerns in a confidential manner. This means that participants in any process under this Policy will be reminded about the importance of confidentiality and will be expected to adhere to any directions they are given about maintaining and respecting confidentiality.

Failure to comply with directions regarding confidentiality may constitute a breach of the *Resident Code of Conduct*.

The College's actions to maintain the privacy and confidentiality of its investigations and process is in no way intended to prevent either the complainant or respondent seeking other advice, support, or guidance, including making any complaint to the police or other relevant body.

Concerns regarding a UC team member or worker

If a resident has a concern or wishes to make a complaint about a UC team member of the College, the matter should be raised directly with the Head of College, who will determine how best to deal with the matter (which may include referring the matter for external investigation).

If the complaint is about the Head of College, the matter should be raised directly with the Board Chair, who will determine how best to deal with the matter (which may include referring the matter for external investigation).

This is done by writing to the Union College Board Chair: companysecretary@unioncollegeuq.com.au

The Chair will then determine the appropriate process and procedures, including which of the investigation procedures set out in this Policy, ought to be adopted to address the complaint.

Concerns about the people outside of Union College

If a resident has a concern about people outside of Union College, and therefore outside of the College's control, where possible, the UC team member will do their best to assist and support you to raise your concerns or make a complaint with the appropriate body. This may include raising the matter with the relevant university, the relevant college, or the police.

No Victimisation

A resident must not victimise or act, or threaten to act to another person's detriment, because they raised a concern or complaint, provided information about, or otherwise are involved in the investigation or resolution of the concern or complaint.

Conduct that may give rise to victimisation will be considered a breach of the *Resident Code of Conduct* and may result in consequences.

Acting honestly and with integrity

You should always act honestly and with integrity.

A resident must not make a vexatious or malicious complaint or for an improper purpose. A vexatious complaint is one where the person making the complaint does so without enough evidence to win, to hurt or annoy the person they are complaining about or to make them look bad. A malicious complaint is one where the person making the complaint knows it is untrue.

As part of the *Addressing Concerns and Complaints Policy*, a concern or complaint will be considered vexatious or malicious if it is made knowingly to be false or for a purpose of damaging the College or the person against whom the complaint is made.

Such conduct may also be considered a breach of the *Resident Code of Conduct*.

Determination

At the conclusion of any investigation, or possibly earlier depending on the circumstances, Union College will decide about the matters under investigation. This determination will be communicated by the Head of College (or the authorised representative).

Findings are made "on the balance of probabilities" i.e. whether the alleged behaviour is more or less likely to have occurred than not.

Consequences

The consequence for breaching the *Resident Code of Conduct* and its related policies will be proportionate to the seriousness of the breach and may include consideration of the student's past conduct and behaviour and the impact that the conduct has on others.

The consequences may include, but are not limited to:

Response	Description
Removal of rights or privileges	This might include access to facilities, activities or events, or eligibility for leadership positions and other positions of responsibility.
Moving of rooms	A requirement that a resident relocate to another room within the College.
Restitution	A requirement that a resident contribute to the costs of repair or compensation for loss or damage which has been incurred as a result of their conduct.
Reprimand	A verbal caution that the conduct has breached the Resident Code of Conduct (or other related policy) or could lead to a breach. The College's expectations of future behaviour will be re-stated. A resident may be required to give an apology to the person impacted by the conduct.
Warning	A written warning that the conduct has breached the Resident Code of Conduct (or other related policy). A record will be kept on the College's file. The College's expectations of future behaviour will be re-stated. The resident may be required to give an apology to the person impacted by the conduct.

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Response	Description
Suspension	A requirement that a resident remove themselves from College for a set period of time as determined by the College.
Expulsion	A requirement that a resident remove themselves (and all property) from the College permanently and that they cease to be a member of the College and lose all rights as an alumnus/alumna of the College.

Prior to any consequence being determined, the resident will be provided with an opportunity to be heard regarding the possible consequences.

Generally, the consequence will be determined by the Deputy Head of College (or authorised representative) and may consider any recommendation of an external investigator, if applicable.

In addition to any other consequence, or as a consequence in its own right, you may be required to participate in a conciliation meeting, to be moderated by the Deputy Head of College, which will be overseen by the Deputy Head of College and any other person they consider appropriate (which may be a worker, UC team member, another resident or an external party). The outcome of any conciliation may be that further consequences, if any, may be agreed to by the College and the resident who is the subject of any breach.

Reviews

If you disagree with the outcome of an investigation or the College's response to a breach, you have seven (7) days from the consequence being formally advised to you to seek a review.

A review may be requested where you are able to demonstrate any of the following criteria:

- a) you have not been given a full and fair opportunity to participate or raise information relevant to the investigation; or
- b) new information of a substantive nature has become available after a decision was made; or
- c) you consider that the consequence was disproportionate to the conduct they engaged in.

Any request for a review should be made in writing to the Head of College, within seven (7) days of the consequence being formally advised to you.

Following consideration of the request for review, the Head of College (or authorised representative) will consider whether the process was fair and/or the response was appropriate. The Head of College (or authorised representative) may affirm, modify, or set aside the original decision, (in whole or in part). This may include a different response to that originally imposed.

The Head of College (or authorised representative) will advise you of the outcome of the review.

After an investigation

After a matter has been addressed, the Head of College and Deputy Head of College may monitor resident interaction to support you and to support the return of expected standards of behaviour.

The Head of College and Deputy Head of College may also consider what else can occur to prevent the likelihood of a similar matter arising again in the College. Further training, communication within the College, and policy updates are the types of things that may be considered.

ANNEXURE A- INVESTIGATION PROCEDURES

Investigation steps

Step	Comment
1. College receives a complaint or becomes aware of an act requiring attention	The first step in the process involves the College becoming aware of relevant conduct, either through a complaint or otherwise
2. Decision to investigate	The Deputy Head of College will decide to investigate, or not, depending on the circumstances and what information is made known to them. If no further investigation is required, proceed to Step 5
3. Decision to conduct internal or external investigation	The Deputy Head of College will decide, based on the information then known, to proceed with an internal investigation, which they (or their authorised representative) will conduct, or to engage an external investigator
4. Steps of an investigation	<p>The investigator will gather the relevant facts, which may include interviewing you and making reasonable requests of you for documents/images/recordings (either hard copy or electronic, including screenshots).</p> <p>Any interview will preferably be held face-to-face, and which may be in a safe and private space (this may be offsite).</p> <p>The general principles about investigations apply here.</p> <p>A respondent can expect to be given a fair opportunity to respond to allegations against them.</p> <p>An intermediate conciliation may be undertaken, with the consent of all parties.</p> <p>The investigator may ask the complainant to detail their concerns in writing.</p>
5. Consideration of the facts and decision	<p>The investigator will consider the relevant evidence and facts. For an internal investigation, the Deputy Head of College will decide whether there has been a breach of any code or policy and the consequence for the resident of the breach.</p> <p>For an external investigation, the external investigator will make a recommendation to the Deputy Head of College, who will consider the evidence, facts, and recommended consequence, but then make their own decision, taking the recommendation into account. The investigator will consider the information before them.</p> <p>Findings are made “on the balance of probabilities” i.e. whether the alleged behaviour is more or less likely to have occurred than not. The standard of proof in criminal proceedings, being “beyond a reasonable doubt”, is not applied by the decision maker.</p>
6. Notification to Head of College and students	<p>The Deputy Head of College will notify the result of the investigation and the consequence to the Head of College and the resident who is the subject of the investigation.</p> <p>Depending on the circumstances, the Deputy Head of College may, but is not required to, also notify the outcome to any resident who made a complaint or brought information to the attention of the College.</p>

Step	Comment
7. Consequences	<p>Upon notification to a resident that they have breached the Resident Code of Conduct or a related policy and the consequence, the Deputy Head of College will provide the resident with an opportunity to be heard on the proposed consequence and to provide any further information that may be relevant to the imposition of any consequence.</p> <p>If the consequence is to be expulsion, the Deputy Head of College must notify the Head of College and provide them with full details of the investigation and process.</p> <p>The decision to expel is the responsibility of the Head of College only, although it may be communicated to the resident by the Deputy Head of College.</p>
8. Final conciliation	<p>Depending on the circumstances, as an outcome or as a step preceding the imposition of any consequence, the College may require you to participate in a conciliation, which will be overseen by the Deputy Head of College and any other person they consider appropriate (which may be a worker member, another student, or an external party). The outcome of any conciliation must be agreed between the relevant students.</p>
9. Review	<p>A resident has seven (7) days of the consequence being formally advised to them to seek any review, as set out in 'Reviews'.</p>