



St John's College

Within The University of Queensland

Addressing Concerns and Complaints Policy

If you have any questions about this, policy please do not hesitate to contact the Warden via email at warden@stjohns.uq.edu.au

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1. INTRODUCTION

- 1.1 Everyone who lives, studies or works at St John's College has the right to do so in a safe and inclusive environment, and has a role in creating and maintaining such an environment.
- 1.2 This Policy operates in conjunction with the Student Code of Conduct, the Staff Code of Conduct, the Sexual Misconduct Policy and all other related policies.
- 1.3 The purpose of the Addressing Concerns and Complaints Policy is to set out:
- (a) the steps for students who may have concerns or wish to make a complaint about the behaviour or conduct of another student, a staff member, a contractor engaged by the College or someone outside of the College community;
 - (b) the principles and procedures that will apply in the event of an investigation by the College into allegations about the conduct of a student (Annexure A);
 - (c) the principles and procedures that the College will follow in responding to inappropriate behaviour by a student such as discrimination, bullying, harassment or sexual misconduct, or conduct that otherwise breaches the Student Code of Conduct, the Sexual Misconduct Policy or other related policies;
 - (d) the range of consequences that may apply if an allegation about a student's breach of the Student Code of Conduct, the Sexual Misconduct Policy or other related policies is substantiated; and
 - (e) the review procedure and what may happen after any investigation.
- 1.4 As outlined in the Student Code of Conduct, students can expect that any breaches of any St John's 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.

2. SCOPE

- 2.1 The Addressing Concerns and Complaints Policy applies to any conduct that might breach the Student Code of Conduct, the Sexual Misconduct Policy or other related policies.
- 2.2 The College may take action under this Policy even if there has been no complaint.



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- 2.3 Where there is a reference to “staff” in this Policy, it includes employees of the College, contractors and employees of contractors to the College.

3. STEPS TO CONSIDER

- 3.1 Students may find it helpful to talk over a problem with a College staff member (such as the Vice Warden, the Dean of Student Wellbeing, the Provost or the Director of Operations) before deciding how to address a concern.
- 3.2 Staff may be able to guide students 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	<p>Where appropriate, and if comfortable to do so, students 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.</p> <p>If they have tried this and it didn't help, or if they wish to raise the matter with College staff, this step may not be appropriate.</p> <p>If the matter is serious (including concerns of sexual misconduct), or if the student does not feel comfortable approaching the individual concerned, they should raise the matter with a member of staff.</p>
Anonymous disclosure	<p>Students may make an anonymous complaint by a form on the College's website.</p> <p>The College will act on anonymous complaints. However, subject to the information provided, anonymity may limit the College's ability to take action.</p> <p>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 staff	<p>Students are encouraged to raise concerns with the Vice Warden, as the Vice Warden is responsible for discipline in the College. However, students are able to raise their concerns with any staff member of the College (who will then raise the matter with the Vice Warden or the Warden as appropriate).</p> <p>Students are not required to put their concerns in writing in the first instance, but they may later be asked to do so. Students must</p>



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Steps to consider	Description
	<p>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. This includes details about the issues, persons involved and the outcome sought.</p> <p>Contacting the Vice Warden does not automatically lead to an investigation. Through discussion, the student and the Vice Warden, and where relevant other students affected by the conduct, will consider various options such as clarifying a misunderstanding, an apology, joint discussions (e.g. conciliation), counselling, staff explaining the impact of the behaviour to the student 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, staff 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>
<p>Other avenues</p>	<p>The University of Queensland has complaint resolution mechanisms to resolve concerns between students and staff of the University. Where the complainant and the respondent are both students of 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 students of those universities.</p> <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>

4. INVESTIGATIONS

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



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- 4.2 Generally, any internal investigation will be undertaken by the Vice Warden (or delegate) and any external investigation will be undertaken by a person or panel appointed by the Vice Warden.
- 4.3 The following general principles apply to any investigation:
- (a) Students 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) Students can expect that in the course of 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 student 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 students at which a full and frank discussion may be expected with the aim of assisting the students to agree upon facts and any outcome;
 - (f) All persons who participate 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) The Vice Warden 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 student not to attend at the College, pending the outcome of the investigation;
 - (h) For any investigation, a student may have a support person in attendance, upon the condition that the support person agrees that they are not an advocate for the student and undertakes to preserve the confidentiality of



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everything that they become aware of as a result of participating in this process;

- (i) A student or support person may take notes during any investigation but may not make any electronic recording. If considered necessary or upon the request of a student, the investigator may make an electronic recording, which will be retained by the investigator for the duration of the investigation and until after 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 staff member to both the complainant and respondent who will be available to support them during the investigation.

The staff members will be different for each student, will play no other part in the investigation and will not converse with each other about the case. Students may also have internal or external support persons, on the conditions set out above. The College will offer professional, external counselling to both complainant and respondent;

- (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.

5. TIMELINESS

- 5.1 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.
- 5.2 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.

6. CONFIDENTIALITY

- 6.1 Where possible and subject to student safety and wellbeing and compliance with relevant privacy laws, the College aims to deal with student 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.
- 6.2 Failure to comply with directions regarding confidentiality may constitute a breach of the Student Code of Conduct.



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- 6.3 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.

7. CONCERNS REGARDING A MEMBER OF STAFF

- 7.1 If a student has a concern or wishes to make a complaint about a staff member of the College, the matter should be raised directly with the Warden, who will determine how best to deal with the matter (which may include referring the matter for external investigation).
- 7.2 Should the complaint relate to the Warden, it should be put, in writing, to the St John's College Council Chair: chair@stjohns.uq.edu.au.
- 7.3 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.

8. CONCERNS ABOUT PEOPLE OUTSIDE OF THE COLLEGE

- 8.1 If a student has a concern about people outside of St John's College, and therefore outside of the College's control, where possible, the College staff will do their best to assist and support students to raise their 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.

9. NO VICTIMISATION

- 9.1 A student 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.
- 9.2 Conduct that may give rise to victimisation will be considered a breach of the Student Code of Conduct and may result in consequences.

10. ACTING HONESTLY AND WITH INTEGRITY

- 10.1 Students should at all times act honestly and with integrity. A student must not make a vexatious or malicious complaint or for an improper purpose.
- 10.2 For the purpose 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.



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10.3 Such conduct may also be considered a breach of the Student Code of Conduct.

11. DETERMINATION SECTION

11.1 At the conclusion of any investigation, or possibly earlier depending on the circumstances, the College will make a determination about the matters under investigation. This determination will be communicated by the Warden (or the Warden's delegate).

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

12. CONSEQUENCES

12.1 The consequence for breaching the Student 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.

12.2 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 student relocate to another room within the College.
Restitution	A requirement that a student 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 Student 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 student may be required to give an apology to the person impacted by the conduct.
Warning	A written warning that the conduct has breached the Student 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 student 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 student remove themselves from College for a set period of time as determined by the College.
Expulsion	A requirement that a student 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/alumnae of the College.

- 12.3 Prior to any consequence being determined, the student will be provided with an opportunity to be heard in regard to the possible consequences.
- 12.4 Generally, the consequence will be determined by the Vice Warden (or delegate) and may take into account any recommendation of an external investigator, if applicable.
- 12.5 In addition to any other consequence, or as a consequence in its own right, students may be required to participate in a conciliation meeting, to be moderated by the Vice Warden, which will be overseen by the Vice Warden and any other person they consider appropriate (which may be a staff member, another student 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 student the subject of any breach.

13. REVIEWS

- 13.1 If a student disagrees with the outcome of an investigation or the College's response to a breach, they have seven (7) days from the consequence being formally advised to the student in which they may seek a review.
- 13.2 A review may be requested where the student is able to demonstrate any of the following criteria:
- (a) they 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) they consider that the consequence was disproportionate to the conduct they engaged in.
- 13.3 Any request for a review should be made in writing to the Warden, within seven (7) days of the consequence being formally advised to the student.



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- 13.4 Following consideration of the request for review, the Warden (or delegate) will consider whether the process was fair and/or the response was appropriate. The Warden (or delegate) may affirm, modify or set aside the original decision, (in whole or in part). This may include a different response to that originally imposed.
- 13.5 The Warden (or delegate) will advise the student of the outcome of the review.

14. AFTER AN INVESTIGATION

- 14.1 After a matter has been addressed, the Vice Warden and Warden may monitor student interaction to support the students involved and to support the return of expected standards of behaviour.
- 14.2 The Vice Warden and Warden 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.



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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 Vice Warden will make a decision to investigate, or not, depending on the circumstances and what information is made known to the Vice Warden. If no further investigation is required, proceed to Step 5
3. Decision to conduct internal or external investigation	The Vice Warden will decide, based on the information then known, to proceed with an internal investigation, which they (or their delegate) will conduct, or to engage an external investigator
4. Steps of an investigation	The investigator will gather the relevant facts, which may include interviewing students and making reasonable requests of students for documents/images/recordings (either hard copy and electronic, including screenshots). Any interview will preferably be held face-to-face and which may be in a safe and private space (this may be offsite). The general principles about investigations apply here. A respondent can expect to be given a fair opportunity to respond to allegations against them. An intermediate conciliation may be undertaken, with the consent of all parties. The investigator may ask the complainant to detail their concerns in writing.
5. Consideration of the facts and decision	The investigator will consider the relevant evidence and facts. For an internal investigation, the Vice Warden will make a decision about whether there has been a breach of any code or policy and also the consequence for the student of the breach. For an external investigation, the external investigator will make a recommendation to the Vice Warden, 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.



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Step	Comment
	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.
6. Notification to Warden and students	The Vice Warden will notify the result of the investigation and the consequence to the Warden and the student who is the subject of the investigation. Depending on the circumstances, the Vice Warden may, but is not required to, also notify the outcome to any student who made a complaint or brought information to the attention of the College.
7. Consequences	Upon notification to a student that they have breached the Student Code of Conduct or a related policy and the consequence, the Vice Warden will provide the student 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. If the consequence is to be expulsion, the Vice Warden must notify the Warden and provide the Warden with full details of the investigation and process, with the decision to expel being solely one for the Warden to make, although it may be communicated to the student by the Vice Warden.
8. Final conciliation	Depending on the circumstances, as a final outcome or as a step preceding the imposition of any consequence, the College may require students to participate in a conciliation, which will be overseen by the Vice Warden and any other person they consider appropriate (which may be a staff member, another student or an external party). The outcome of any conciliation must be agreed between the relevant students.
9. Review	A student has seven (7) days of the consequence being formally advised to the student to seek any review, as set out in Section Error! Reference source not found.