

Resolution of Breaches of Residential Community Standards and Other Grievances within the Griffith University Residential Colleges Policy

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Description	This policy outlines the procedures by which breaches of residential community standards and other grievances (such as general misconduct) will be resolved within the Residential Colleges or referred to the University for action under the Student Misconduct Policy and Procedures.

Related documents

[Student Review and Appeals Policy](#)

[Student Review and Appeals Procedure](#)

[Review of Decision Form](#)

[Student Misconduct Policy](#)

[Student Misconduct Procedures](#)

[Student Sexual Assault, Harassment, Bullying and Discrimination Policy](#)

[Student Reports of Bullying, Harassment, Discrimination and Sexual Harm Procedure](#)

[\[Introduction\]](#) [\[Scope\]](#) [\[Definitions\]](#)[\[Roles and Responsibilities\]](#) [\[Procedures for Managing and Resolving Breaches of Residential Community Standards\]](#) [\[Sanctions and Actions\]](#)[\[Procedural Fairness\]](#)[\[Confidentiality and Record Keeping\]](#) [\[Appeals\]](#) [\[Appendices\]](#)

1. INTRODUCTION

The University Residential Colleges exist to provide a living and learning environment in which College members will always act with the best interests of fellow College members in mind. Tolerance and respect for others and their rights and freedoms should be a primary concern as should their health and personal safety.

The Accommodation Office allocates College members to rooms within a particular Residential College. In allocating rooms, the Accommodation Office considers many factors including an appropriate balance of gender, academic course, cultural, ethnic and experiential backgrounds, as well as personality types.

Regardless of these considerations in room allocation difficult issues of an interpersonal nature arise from time to time in University Residential Colleges which require some action to be taken to achieve an appropriate living and learning environment.

The purpose of this policy is to define the rights and responsibilities of College members and staff and provide procedures and actions to be taken and applied if residential community standards are breached. This policy is educative and administrative in nature.

2. SCOPE

This policy applies to Griffith University students that live in Griffith University Residential Colleges ('College members'). By accepting residency, College members agree to respect the basic philosophy of the Residential Colleges and residential community standards as outlined in the Residential Colleges' Handbook. All College members agree that if they breach these standards they will submit to both the Residential Colleges' and the University's processes for managing such breaches. Any breach associated with alleged sexual assault, sexual harassment, bullying and discrimination will be referred to the University to be managed under the *Student Sexual Assault, Harassment, Bullying & Discrimination Policy*, and if necessary, the *Student Misconduct Policy*.

3. DEFINITIONS

Decision Maker refers to Tier 1 and Tier 2 Decisions, or decisions made by a Precautionary Decision Maker.

Precautionary Decision Maker refers to an authorised person within the University who decides to take precautionary action to remove a student from the Griffith University Colleges.

Responsible Staff Member is a member of the staff of the University who plays an initial role in the response to a report of an actual or suspected breach of residential community standards. The Responsible Staff Member may refer the matter to either the Tier 1 or Tier 2 Decision Maker for further investigation (in accordance with section 5.1). In the case of a Precautionary Decision Maker, the Responsible Staff Member may be the Residential Life Coordinator.

Tier 1 Decision Maker - the Residential Life Coordinator (or nominee) who has responsibility for the decision as to action(s) to be taken, if any, in response to a Tier 1 concern.

Tier 2 Decision Maker – the Accommodation Manager (or nominee) who has responsibility for the decision as to action(s) to be taken, if any, in response to a Tier 2 concern.

4. ROLES AND RESPONSIBILITIES

Overall responsibility for the management of the University Residential Colleges is vested in the Associate Director, Campus Services.

The responsibility for the maintenance of residential community standards and appropriate living environment within each residential college is vested in the Accommodation Manager.

Breaches of community standards under this policy are reported to a Responsible Staff Member who is to refer the breach to a Tier 1 or Tier 2 Decision Maker under this policy. Refer to the definitions in section 3 to determine who the Responsible Staff Member or Decision Maker will be under the policy.

The Accommodation Manager is the Tier 2 Decision Maker under this policy.

The Residential Life Coordinator is the Tier 1 Decision Maker under this Policy. The Residential Life Coordinator leads and manages the Residential Advisor teams, monitors student welfare and pastoral care and responds to incidents within the Colleges in accordance with University policies and procedures. The position is responsible for the development of the Residential Life program which fosters academic development and improves college members' overall well-being while in college.

During office hours the Accommodation Team are the first point of contact for all college students' concerns. After hours Residential Advisors are the point of contact. The Accommodation Manager and Residential Life Coordinator are on call for emergency situations and critical incidents

5. PROCEDURES FOR MANAGING AND RESOLVING BREACHES OF RESIDENTIAL COMMUNITY STANDARDS

5.1 Process for reporting a breach of community standards

When reporting a breach of residential community standards there is a recommended 3-step process. Staff should refer to the Flow Chart at Appendix 2 for assistance with the process.

5.1.1 Step 1 – Resolve Matter Informally

A person may report a possible breach of the residential community standards to a Responsible Staff Member (refer to definitions at section 3). The Responsible Staff Member is to either resolve the matter informally or is to refer the matter to either the Tier 1 or Tier 2 Decision Maker at Step 2 (refer to definitions at section 3) for further investigation. Matters are to be dealt with at Step 1 if the Responsible Staff Member is able to manage the situation locally and decides that no action needs to be taken to prevent the breach from reoccurring.

In matters where a student has admitted to the breach or there is overwhelming evidence that the student breached community standards (i.e. the breach was witnessed by the Residential Life Coordinator or where the safety of residents has been compromised by an action such as the covering of a smoke detector in a student's bedroom) a sanction can be delivered without a breach notice being sent.

5.1.2 Step 2 – Resolve Matter Formally

At Step 2 the Responsible Staff Member is unable to deal with the matter informally and refers the breach to be dealt with by a decision maker (refer to definitions at section 3). The University recognises that breaches differ in severity and consequences. Some breaches may be less serious and therefore dealt with as a Tier 1 breach and others will be more severe and therefore more appropriately dealt with as a Tier 2 breach. The Decision-Making Matrix at Appendix 1 separates breaches in to Tiers 1 and 2 based on the type of issue, frequency of breach, level of experience of the student, intent of the student and the impact on others, with different sanctions available at the two Tiers. The Responsible Staff Member should refer to the Decision-Making Matrix at Appendix 1 to determine whether the matter is a Tier 1 or Tier 2 breach and refer to the appropriate decision maker (refer to definitions at section 3).

Tier 1 Breaches and Consequences

Tier 1 breaches may be minor in nature, of lower consequence to others, infrequent and may not be intended or may be a result of student naivety.

Where the breach of residential community standards is a Tier 1 breach, the Decision Maker will provide written notice to the College member within 5 working days outlining that a possible breach is being investigated under this policy, possible sanctions (refer to section 6), a link to this policy and an invitation to respond.

Tier 1 Decision Makers should refer to the *Staff Guidelines on Decision-Making in Student Cases Policy* when making decisions and applying sanctions under this policy.

The Decision Maker at Tier 1 may do any or all of the following:

- Seek the advice of other staff to assist in the investigation and decision-making process.
- Request the student provide a written response to a Breach Investigation Notice.
- Request that the student attend an interview to clarify the issues and advise that the student may be accompanied to the meeting by a support person. The support person must not be a currently practising solicitor or barrister. The role of the support person is to bear witness to the meeting and what is discussed.

- If the student does not respond to the request to attend an interview, or fails to meet the Decision Maker at the allocated meeting time after two attempts to confirm a meeting via email followed by a phone call, then the Decision Maker may apply a sanction as set out in 6.1.1 in the student's absence. If there are medical or compassionate reasons for the absence, the Decision Maker should be notified immediately and will determine the acceptability of such reasons and whether the meeting should be adjourned.
- Arrange a meeting with any other College members affected by the possible breach allowing affected students the opportunity to discuss matters relevant to them and to be advised of progression of the matter and possible sanctions.
- Email any College member affected by the possible breach allowing the affected student(s) to provide their version of events and email them with an update on the matter and possible sanction.
- Refer the student to appropriate support services available.
- Arrange for a Tier 1 sanction to be applied to the student under section 6.1.1.
- Refer the matter to be dealt with by a Tier 2 Decision maker under Tier 2 of this policy.
- Dismiss the matter.

Once a decision is made, the Decision Maker at Tier 1 will then confirm in writing to the student's email address

- The content of the student's written response; or
- the content of any discussions (at an interview), and
- other evidence and information collected as part of the investigation process, and
- the decision, the basis on which the decision was reached, any sanction applied and right of appeal to the student within 5 working days.

Tier 2 Breaches and Consequences

Tier 2 breaches are more serious offences with greater impacts on others or may have occurred on more than one occasion. The student may have intended to commit the breach with little care for others.

Where the breach of residential community standards is a Tier 2 breach, the Decision Maker will provide written notice to the College member within 5 working days outlining that a possible breach is being investigated under this policy, possible sanctions (refer to section 6), a link to this policy and an invitation to respond.

Tier 2 Decision Makers should refer to the *Staff Guidelines on Decision-Making in Student Cases Policy* when making decisions and applying sanctions under this policy.

The Decision Maker at Tier 2 may do any or all of the following:

- Seek the advice of others either internal to the University or external to assist in the investigation and decision making process.
- Request the student provide a written response to a Breach Investigation Notice.
- Request that the student attend an interview to clarify the issues and advise that the student may be accompanied to the meeting by a support person. The support person must not be a currently practising solicitor or barrister. The role of the support person is to bear witness to the meeting and what is discussed. The Decision Maker may ask a Residential Advisor or another staff member to also be present.
- If the student does not respond to the request to attend an interview, or fails to meet the Decision Maker at the allocated meeting time after a further attempt to confirm a meeting via email followed by a phone call, and a reminder posted to their allocated room then the Decision Maker may apply a sanction as set out in 6.1.2 in the student's absence. If there are medical or compassionate reasons for the absence, the Decision Maker should be notified immediately

and will determine the acceptability of such reasons and whether the meeting should be adjourned`.

- Arrange a meeting with any other College members affected by the possible breach allowing affected students the opportunity to discuss matters relevant to them and to be advised of progression of the matter and possible sanctions.
- Refer the student to appropriate support services available
- Arrange for a Tier 2 sanction to be applied to the student under section 6.1.2.
- Implement a precautionary action under section 6.2.
- Dismiss the matter.

Once a decision is made, the Decision Maker at Tier 2 will then confirm in writing to the student's email address

- The content of the students written response; or
- the content of any discussions (at an interview), and
- other evidence and information collected as part of the investigation process, and
- the decision, the basis on which the decision was reached, any sanction applied and right of appeal to the student within 5 working days.

5.1.3 Step 3 – Refer for Review

A student who is unsatisfied with a decision made under Step 2 may apply for the decision to be reviewed or appealed under the *Student Review and Appeals Policy*, if the student considers the decision was unreasonable. The student should refer to the flow chart in the *Student Review and Appeals Policy* and complete a *Review of Decision Form* within 10 working days of notice of the original decision.

If a student lodges a *Review of Decision* form, any sanction imposed by the Tier 1 or Tier 2 Decision Maker is suspended until the request to review the decision has been made under the *Student Review and Appeals Policy*.

In completing the *Review of Decision* form, the College member should be mindful that the basis for requesting a review of the decision would normally be limited to the following grounds:

- The Decision Maker did not follow the correct procedures under this policy when making the decision
- Evidence or circumstances that should have been taken into account by the Decision Maker in reaching a decision were overlooked or were not given sufficient weight.
- The inconsistency of the sanction with the nature of the breach of residential community standards.

New or significant evidence which is not merely corroborative or repetitive which was not known (or could not have been known) at the time of the original decision and has come to light and may have produced a different decision may not be introduced as grounds for requesting a review of the decision. Such evidence should be produced to the Decision Maker at Step 2 with a request for reconsideration of the matter.

Under the *Student Review and Appeals Policy*, the decision of the Review Officer (Associate Director, Campus Services) is final.

6. SANCTIONS AND ACTIONS

6.1 Sanctions

Where a College member has been found in breach of residential community standards, the Decision Maker may impose a sanction. The sanctions available to the Decision Maker depend on whether the breach is a Tier 1 or Tier 2 breach. Such sanctions are designed to hold College members accountable for their inappropriate behaviour and are imposed for their educative effect. The discipline process should be one in which College members are encouraged to examine the motives for, and consequences of, their actions. Sanctions should enable College members to examine their own actions and address any ill feeling or unease in the community caused by their behaviour.

In determining an appropriate sanction, the Decision Maker will evaluate each situation and College member individually and will consider multiple factors including the details of the current breach, the College member's previous conduct, history and attitude in arriving at the best sanction for that individual. The Decision Maker may apply more than one sanction at their discretion.

6.1.1 Tier 1 Outcomes

The Tier 1 Decision Maker may choose to impose one or more of the following Tier 1 Educational Responses and Penalties:

<i>Written admonition</i>	An official letter of censure to the College member stating that there has been a breach of residential community standards and that continuation or repetition of the breach may result in more severe disciplinary action.
<i>Loss or restriction of privileges</i>	Limitation or removal (for a definite period of time) of social or personal privileges, withdrawal of approval to bring, keep or consume alcohol on campus, etc.
<i>Community service</i>	Requirement to complete a certain work project thereby giving something back to the community and hopefully learning something at the same time. Wherever possible there should be a logical relationship between the breach and the community service assigned.
<i>Probation</i>	A specific length or time during which a College member is given a chance to show capability and willingness to live in accordance with residential community standards. During the probation period the College member may be required to develop an approved Residential Management Plan. Continuation or repetition of the breach may be the cause for more severe disciplinary action.
<i>Restitution</i>	Reimbursement for damage to or misappropriation of property

6.1.2 Tier 2 Outcomes

The Tier 2 Decision Maker may choose one or more of the following

- Tier 2 Educational Responses; and
- Tier 2 Penalties.

Tier 2 Educational Responses

<i>Written admonition</i>	An official letter of censure to the College member stating that there has been a breach of residential community standards and that continuation or repetition of the breach may result in more severe disciplinary action.
<i>Loss or restriction of privileges</i>	Limitation or removal (for a definite period of time) of social or personal privileges, withdrawal of approval to bring, keep or consume alcohol on campus, etc.
<i>Community service</i>	Requirement to complete a certain work project thereby giving something back to the community and hopefully learning something at the same time. Wherever possible there should be a logical relationship between the misconduct and the community service assigned.

Tier 2 Penalties

<i>Restitution</i>	Reimbursement for damage to, or misappropriation of, property
<i>Room reallocation</i>	Reallocation to a different room or Residential College based on the hope that a College member will be more successful if given the opportunity of a fresh start in another location. The College member may also be restricted from access to the Residential College/area from which the College member is being relocated.
<i>Probation</i>	A specific length or time during which a College member is given a chance to show capability and willingness to live in accordance with residential community standards. During the probation period the College member may be required to develop an approved Residential Management Plan. Continuation or repetition of the breach may be the cause for more severe disciplinary action.
<i>Termination of residency</i>	Termination of residency (normally with a specific date mentioned on which the College member may apply for re-admission).
<i>Referral to Student Misconduct Policy</i>	Referral to the University-wide discipline system.

6.2 Precautionary actions

Precautionary actions are non-disciplinary actions that may be imposed in response to a possible Tier 2 breach. The purposes of precautionary actions are to ensure the safety of the affected individuals and to prevent further breaches and/or preserve the University's ability to conduct the investigation.

They are not considered penalties under any University complaint/disciplinary process and are without prejudice to the person against whom the actions are taken against.

In these circumstances, the Precautionary Decision Maker may:

- Where reasonably possible, notify and receive advice from the Associate Director Campus Services; and/or
- Recommend that a student be immediately removed from the College accommodation.

The Precautionary Decision Maker is expected to record and submit a report(s) about the matter and actions taken to the Associate Director Campus Services immediately following such action. Precautionary actions may be maintained until a decision is made in relation to a Tier 2 breach and the University's internal review process as set out in 9.0 of this policy is concluded.

7. PROCEDURAL FAIRNESS

When investigating a possible breach or providing notice to a College Member under this policy, staff must refer to the principles of natural justice (also referred to as procedural fairness) under the *Staff Guidelines on Decision-Making in Student Cases Policy*. Under this policy, a decision is made on the 'balance of probabilities' after considering the evidence.

When a College member requests a review of the Decision Maker's decision, the burden of proof resides with the College member.

Communication with College members will be undertaken in a manner consistent with the University's *Student Communication Policy*.

8. CONFIDENTIALITY AND RECORD KEEPING

All documentation relating to breaches under this policy will be kept confidential and shall be disclosed only to those persons who have a right to the information by virtue of their role in the process, as required by law, or as determined by limits to confidentiality (e.g. risk of harm to person or persons) in accordance with the [Griffith University Privacy Plan](#).

Written records need not be extensive but should contain such information as is necessary for others to gain a clear understanding of the grounds upon which a concern was determined, and the actions taken to address it.

In accordance with the University's [Information Management Policy](#), any notices or documentation related to breaches shall be maintained confidentially in a business system maintained by the Director Campus Life's office. These records are maintained to protect the rights and interests of all parties; explain and justify the actions of the University and its employees; and document and explain the decision-making of the University.

The Decision Maker is responsible for conveying to any College member (or group of College members) who may be affected by the breach such information on the outcome as may be necessary to keep them informed. In doing so, the Decision maker must give due regard for considerations of privacy and confidentiality.

9. APPEALS

Where any sanction is imposed under this policy at Step 2, the affected College Member may apply for the decision to be reviewed by the Associate Director Campus Services (Step 3) under the *Student Review and Appeals Policy* (refer to section 5.1.3). The student is informed of the right of appeal in the correspondence advising of the imposition of a sanction. There is no right to appeal the decision of the Associate Director Campus Services under the *Student Review and Appeals Policy*.


Where the student remains dissatisfied with the outcome of an appeal process, the student may lodge a complaint with the Queensland Ombudsman (please refer to the following Web address: <http://www.ombudsman.qld.gov.au/>).

10. APPENDICES

APPENDIX 1 – DECISION MAKING MATRIX TO SUPPORT IDENTIFICATION OF BREACHES AS TIER 1 OR TIER 2

Note: The list below is not intended to provide a definitive list of possible Tier 1 or Tier 2 matters, but rather a guide as to how matters may be classified as either Tier 1 or Tier 2 depending on the degree of seriousness of the matter when judged against the five criteria:

1. The type of issue;
2. Frequency of the issue;
3. Level of experience of the student;
4. Intent of the student;
5. Impact, or potential impact, of the issue.

Criteria	<div style="display: flex; justify-content: space-between;"> TIER 1 CONCERN TIER 2 CONCERN </div> <p>An overall judgement as to whether a case is Tier 1 or Tier 2 is made on the basis of an overall qualitative assessment of the level of seriousness of the concern based on the five criteria set out in this matrix.</p> 	
<p>1. The type of Issue</p> <p>Nature of the issue of the breach.</p> <p>Note that incidences of sexual assault, harassment, bullying or discrimination are to be referred to be dealt with under the <i>Student Sexual Assault, Harassment, Bullying and Discrimination Policy</i></p>	<p>For example:</p> <p>Issues that would be considered by a reasonable person as minor in nature. For example:</p> <ul style="list-style-type: none"> - personality conflicts or minor arguments - use of glass bottles in areas where they are not permitted - failure to comply with a parking standard - failure to maintain cleanliness and hygiene standards - inappropriate use of common rooms - lack of consideration for others 	<p>For example:</p> <p>Issues that would be considered by the reasonable person as serious in nature. For example:</p> <ul style="list-style-type: none"> - illegal or unlawful acts - antisocial behaviour - possession or using weapons - recording and/or distributing images without express permission including on social networking sites - interference with a building, property, vegetation, garden, pond or wildlife in the College precinct (includes fire alarms, fire extinguishers, exit signs, lights, fittings and fixtures)

	<ul style="list-style-type: none"> - inappropriate cooking in rooms - inappropriate use of cooking facilities - inappropriate posters in rooms considered to be minor in offensiveness - painting of murals, signs or artwork on College walls - littering - excessive noise - unauthorised posting or chalking about events - smoking in the College grounds or room (The University is a Non-Smoking campus) - unlawful washing of vehicles (refer to the Community Standards booklet) - unreasonable visitors - accessing a restricted area - breaching the University Student Alcohol Policy - lighting of candles, incense and oil burners (any naked flame) inside rooms, common rooms, common areas and anywhere within the Residential Colleges - use of untagged and untested electrical appliances - acts of damage or vandalism or carelessness - interference with a building, property, vegetation, garden, pond or wildlife in the College precinct (includes fire alarms, fire extinguishers, exit signs, lights, fittings and fixtures removal of University property (includes furniture, appliances, street signs, street furniture, plants and bike racks) - disruptive behaviour - passive participation - damage to flora - unapproved event 	<ul style="list-style-type: none"> - removal of University property (includes furniture, appliances, street signs, street furniture, plants and bike racks) - failure to make a payment for damage that has been incurred - disruptive behaviour illegal drug use, possession, trafficking, production, supply or the possession of drug paraphernalia - substance abuse or personal issues that lead to inappropriate behaviour - verbal or physical abuse of staff - solicitation - hazing (refer to the Policy of Hazing in the Community Standards booklet) - theft - passive participation where the safety or security of others is at risk (refer to the Community Standards booklet) - keeping, bringing or operating of prohibited items (refer to the Community Standards booklet) - mismanagement of events - entering a room without permission - running a business from the room or flat at the College - repeated Tier 1 concern
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<p>2. Frequency of the Issue</p> <p>How often has the student breached a residential community standard</p>	<p>For example: one-off lapse, episodic, unpredictable issue that is of a minor nature and did not or could not impact on the health and safety of other College members</p>	<p>For example: Habitual, continual, constant, predictable breaches or a one-off issue that is of a serious nature</p>
<p>3. Level of experience of the student</p> <p>Relates to your expectation that the student should be aware of the breach</p>	<p>For example:</p> <p>Students who are new to a college environment and have not lived on college for more than 4 weeks.</p>	<p>For example:</p> <p>Experienced students, where the student is expected to fully understand and exhibit standards consistent with the Community Standards booklet</p>
<p>4. Intent of the student</p> <p>Intentionality of the act or recklessness of the act</p>	<p>For example:</p> <p>Action is accidental, unintentional or due to lack of knowledge and is of a minor nature</p> <p>Cultural considerations/mitigating circumstances e.g. no prior instruction or unclear instructions which result in an issue that is of a minor nature</p>	<p>For example:</p> <p>Actions contravene clear instructions</p> <p>Actions appear intentional</p> <p>Action is of a serious nature</p>
<p>5. Impact, or potential impact, of the Issue</p> <p>Who/what is affected by the breach</p>	<p>For example:</p> <p>Actions impact in a minor or temporary way on the student or others</p>	<p>For example:</p> <p>Actions impact on public safety</p> <p>Significant impact on other students' living conditions or ability to study whilst living in the Colleges</p>

APPENDIX 2 – PROCESS FOR MANAGING A BREACH

