

Breach of Burgmann Community Standards Policy & Procedures

1. Introduction

- 1.1 Burgmann College is committed to providing a safe and respectful community for all. The College aims to provide a thriving living and learning environment in which tolerance and respect for others and their health, wellbeing and personal safety is a primary concern of all.
- 1.2 This policy is not a document that stands alone. It is designed to sit in the College's whole policy framework which includes the Burgmann College Community Standards and Gender-based Violence Prevention and Response Policy. The College implements these policies as part of its Whole-of-Organisation Gender-based Violence Prevention and Response Approach and is supported by ongoing, evidence-informed training for residents, staff and student leaders to ensure consistent, safe and effective prevention and response.
- 1.3 By accepting residency, residents agree to respect this basic philosophy of Burgmann College. The College for its part undertakes to act in a way that is fair, timely and ethical, and to offer its services, benefits, opportunities and facilities without discrimination.
- 1.4 Key concepts and terms are defined in Section 18.

2. Purpose

- 2.1 This Policy outlines how Burgmann College will respond to breaches of Community Standards and describes the process for investigating and resolving Disclosures and/or Formal Reports. This policy has a focus on safety and support and takes trauma-informed and person-centred approaches to managing allegations of breaches and disciplinary processes and sanctions.

3. Scope

- 3.1 This Policy applies to all residents, staff, contracted staff, student leaders, volunteers and any Affiliated Organisations or third parties acting on behalf of the College.

4. Policy Principles

- 4.1 All community members have the right to expect respectful behaviour from others and have the personal responsibility to behave respectfully towards others.
- 4.2 As outlined in Section 5 it is a condition of residency to adhere to the "Burgmann College Community Standards" document. Failure to do so would be considered a breach of Community Standards and may trigger the College's disciplinary process. Staff are instead held responsible for the conditions of employment.
- 4.3 All community members are required to attend comprehensive and ongoing training on behavioural standards and ethical bystander frameworks to ensure they fully understand the procedures, support mechanisms, and their responsibility under the policy.
- 4.4 Breaches of Community Standards will be handled by the College with sensitivity, discretion, fairness, and objectivity.



- 4.5 When responding to Disclosures and/or Formal Reports, the College will take trauma-informed and person-centred approaches and respond in a manner that aims to cause no further harm.
- 4.6 Community members who Disclose and/or Report a breach of Community Standards are provided with agency, they will not be pressured to decide on the course of action they wish to take, rather, will be provided with clear, transparent and accurate information to make informed decisions. The College will provide support to all parties involved including the resident who has made the Disclosure or Formal Report, the resident whom the Disclosure or Formal Report has been made about, witnesses or first responders.
- 4.7 While the College will make all efforts to provide a person-centred approach, there are some scenarios where the College may need to make decisions for the safety of residents that go against or beyond the wishes of a Discloser or Reporter (section 8.6).
- 4.8 Care for a residents' safety and wellbeing is the primary focus of the College in responding to Disclosures and/or Formal Reports.

5. Breaches of Community Standards

- 5.1 Harmonious community life in College depends on the respectful, cooperative conduct of individual residents. Breaches of Community Standards are defined as those actions that might reasonably be thought to cause offence to or infringe upon the rights and freedoms of another person. The "Burgmann Community Standards" enumerates what these are, both in its framework and detail.
- 5.2 In addition, residents are expected to adhere to all of Burgmann's relevant policies and procedures and the Burgmann College Handbook. The Contract which residents sign with the College includes formal acceptance by each resident of all these Community Standards.
- 5.3 In order to maintain the safety and wellbeing of College life, residents impacted by potential breaches of Community Standards are encouraged to come forward with their concerns knowing that prompt and effective action will be taken.
- 5.4 Where a breach of Community Standards occurs that constitutes an instance of Gender-based Violence, including Sexual Harm, then the breach will be managed in accordance with the procedure outlined in the *Burgmann College Gender-based Violence Prevention and Response Policy and Procedures*.

6. Support available

- 6.1 Residents and staff who have experienced or witnessed a breach of Community Standards are encouraged to seek assistance or support.
- 6.2 Support for residents at College includes speaking with Residential Advisors who are trained first responders, the Director of Student Culture and Development, Deputy Principal or Principal (this includes contacting the Duty RA and/or backup senior staff member after hours).
- 6.3 The College is able to offer professional psychological support to all residents and staff who experience or witness distressing behaviour or events.
- 6.4 The College can support residents to access University or external support services.
- 6.5 The College can support residents to explore their options to Report allegations to relevant authorities, including the University.



7. Deciding to make a Disclosure or Formal Report

- 7.1 Any resident, staff, student leader or volunteer may make a Disclosure or Formal Report of a breach of Community Standards.
- 7.1 Residents who make a Disclosure or Formal Report to the College will be supported through regular contact with the Director of Student Culture and Development, Deputy Principal, or other qualified staff member; this support will be assessed in line with section 17.
- 7.2 In supporting Disclosers and Reporters, a different member of staff will always be assigned to supporting the Discloser/Reporter and Respondent.
- 7.3 Third parties can make a Disclosure or a Formal Report of breaches of Community Standards where the Respondent is a student, staff or volunteer of the College. This can be done by contacting the College via email or phone in the first instance which will be escalated to the Director of Student Culture and Development, the Deputy Principal or Principal. Third parties can also make Reports through the Burgmann College public anonymous Reporting tool available on the Burgmann College website.

8. Making a Disclosure

- 8.1 A Disclosure involves the provision of information about a person's experience of a breach by the Discloser or another person. A person who makes a Disclosure may not wish for follow-up action to be taken, they may be undecided, and may instead be seeking information about resources, support options, and Reporting options.
- 8.2 A Disclosure by a resident of a breach of Community Standards may be made by contacting the Director of Student Culture and Development, the Deputy Principal or Principal, and can be done in-person, over the phone, or via email. Residents can also speak to a Residential Advisor in the first instance who will notify the Director of Student Culture and Development, Deputy Principal or Principal. Staff Disclosures can be made to the Principal.
- 8.3 Disclosures can also be made anonymously through the College's anonymous Reporting mechanism. Details of this can be found in the resident's portal, The HUB.
- 8.4 The Discloser's needs and preferences are at the centre of decisions made in response to the Disclosure, whilst at all times ensuring the safety and wellbeing of the Discloser and other Residents and Staff.
- 8.5 In collaboration with a Discloser the College may use the Disclosure to come to a resolution that is implemented with the agreement of the Discloser and Respondent in the instance of a breach of Community Standards.
- 8.6 Where, after genuinely considering the wishes of the Discloser, the Principal determines there is an immediate safety or wellbeing risk to the Discloser or other residents and staff, they may manage a Disclosure by initiating an investigation and discipline process.
- 8.7 If the College makes a decision that does not align with the wishes of the Discloser, the College will attempt to explain the decision and rationale to the Discloser before any actions are taken.
- 8.8 If there are immediate safety concerns, the Principal can put in place precautionary safety measures for the duration of an investigation (refer to Section 14, safety measures).
- 8.9 A confidential record of the Disclosure will be kept on file.
- 8.10 A resident who has made a Disclosure may later make a Formal Report regarding the same incident.



9. Making a Formal Report

- 9.1 A Formal Report by a Reporter involves the provision of information through formal Reporting channels about a potential breach of the Community Standards which requires the College to consider taking steps beyond the offer and provision of support service. This includes the commencement of an investigation and/or a disciplinary process in appropriate circumstances.
- 9.2 A Formal Report may be made by contacting the Director of Student Culture and Development, the Deputy Principal or Principal, and can be done in-person, over the phone, or via email. Residents can also speak to a Residential Advisor in the first instance who will notify the Director of Student Culture and Development, Deputy Principal or Principal. Staff can make Formal Reports to the Principal.
- 9.3 The College will work with and support Reporters to create a record to progress a Formal Report.
- 9.4 Formal Reports can also be made anonymously through the College's anonymous Reporting mechanism. Details of this can be found in the resident's portal, The HUB.
- 9.5 A Formal Report must be submitted by a resident (Reporter) and must outline the allegation of misconduct and name the Respondent. It is not necessary for a Reporter to have made a Disclosure before submitting a Formal Report.
- 9.6 If a resident decides to make a Formal Report, the College will support them and implement any necessary precautionary safety measures (refer to Section 14. Safety measures).
- 9.7 Formal Reports are dealt with by the Principal. In the event of their unavailability or of a conflict of interest (including if a complaint involves the Principal), the College Council Chair will step in. If a resident decides to make a Formal Report, the College will support them and implement any necessary safety measures (refer to Section 14. Safety measures).
- 9.8 A Formal Report to the University will be investigated according to the University's Discipline Rule.
- 9.9 Following an outcome of a Formal Report to the University, the College may impose additional sanctions internally to ensure safety and harmony. Sanctions may include, but are not limited to separation of parties, suspension from the College, exclusion from College grounds and activities, or a direction to resign or stand down from leadership positions
- 9.10 **Serious breaches of Community Standards** have broader implications for the safety and well-being of the University campus. For this reason, Formal Reports of serious breaches of Community Standards by residents including physical assault, harassment and vilification will be formally Reported as misconduct to the ANU and assessed under the ANU's processes and policies. All other Reports will be assessed under the College's Disciplinary process. Serious Breaches relating to Gender-based Violence are managed under the Burgmann College Gender-based Violence Prevention and Response Policy and Procedure.
- 9.11 Where possible, this should be done with the consent of the Reporter.
- 9.12 In addition, under Clause 12 of the Australian National University (Residential Colleges Affiliation) Statute 2021, the Principal "must provide to the Registrar of the University a copy or notice of any complaint from or about its residents that may result in suspension or exclusion from the Affiliated College or by the University under the Discipline Rule or the Academic Integrity Rule including all sexual assault and sexual harassment complaints, within five (5) days of receipt of complaint."



10. Investigation

- 10.1 In case of a Disclosure, the College must seek and consider the views of the Discloser before progressing with an investigation. The College must inform the Discloser that the College may progress a Disclosure to an investigation where it is necessary for the safety and wellbeing of resident and/or staff, even if this goes against the wishes of the Discloser.
- 10.2 The College must investigate all Formal Reports where the respondent is a current resident or staff member, regardless of the context in which the breach occurs.
- 10.3 In relation to a Disclosure or Formal Report where only the respondent is a resident or staff member, the College will consider the safety and wellbeing of residents in determining the scope of an investigation.
- 10.4 The College must notify both the Discloser/Reporter and Respondent in writing if an investigation will be commenced. The notification must be made on the same day, and the Discloser must be notified first, and must include the alleged breach of Community Standards.
- 10.5 The College will arrange a meeting with the Respondent as quickly as possible to discuss the matter and outline the process. Where a meeting is not possible, another means may be used.
- 10.6 The Respondent may provide a written submission responding to the allegations.
- 10.7 In the investigation the College will provide a draft of findings and proposed sanctions. The Respondent will be provided an opportunity to 'show cause' why findings and proposed sanctions should be reconsidered.
- 10.8 The College will ensure that all residents have the opportunity to be accompanied by a support person whenever they are asked about the matters which are the subject of a Disclosure or Formal Report. A support person attending is there to act only as a support and is not entitled to speak on behalf of the resident or speak to their own experience/opinion of the subject.
- 10.9 Where possible, a support person should not be someone directly involved in the incident.
- 10.10 The College will never require a Discloser or Respondent to provide physical evidence relating to an alleged incident.
- 10.11 The College will provide Respondents procedural fairness in a investigation process.

11. Outcomes and Notification

- 11.1 The College will update Disclosers and Respondents throughout the process of resolving Formal Reports having regard to the views of Disclosers and Respondents.
- 11.2 The Principal will update the College Council Chair throughout the process of resolving Formal Reports.
- 11.3 Consequences for breaches of Community Standards will be determined on the basis of the investigation and findings; seriousness of the breach of Community Standards; the Respondent's past behaviour; the wellbeing and safety of the College community; and all of the circumstances involved.
- 11.4 Following the outcome of an investigation the College has a duty to ensure a proportionate and safe disciplinary response. This may include:
 - (a) an informal warning that certain behaviour is unacceptable and should stop;
 - (b) a Formal Warning notice. A number of Formal Warnings may be grounds for the Principal to consider suspension, exclusion or expulsion of the resident;



- (c) obligation to make good – e.g. replace or pay for damage, refund the College or an individual;
- (d) community service;
- (e) suspending a resident's rights – e.g. withdrawal of IT access for breaking ANU's IT regulations, exclusion from certain events or areas of the College;
- (f) revising room allocation privileges;
- (g) imposing a financial penalty;
- (h) removing a resident from College employment;
- (i) suspending a resident from College; and
- (j) expelling a resident from College (Note that Rule 19 of the College's Rules and Orders made under that Rule applies to this situation.).

11.5 In responding to Formal Reports through all pathways the College will provide procedural fairness to Respondents.

11.6 Formal Reports including investigations and outcomes must be finalised within **45 business days**.

11.7 The College will provide procedural fairness to the respondents with any outcome.

11.8 Unless the Discloser/Reporter or Respondent requests otherwise, the College will give written notice to both parties of:

- (a) the outcomes of the investigation and disciplinary process.
- (b) the reasons for the outcome; and
- (c) rights to make an internal and/or external complaint, including to the National Student Ombudsman.

11.9 Unless requested otherwise, the Discloser must be notified of the outcome of the investigation and discipline process on the same day as the Respondent.

12. Appeals

12.1 The Respondent may appeal the Principal's decision using the appeals process outlined in the College Orders.

12.2 The College must give written notice to the Discloser within 2 business days of an appeal being lodged that includes information about the appeal and potential outcomes of the appeal.

12.3 As outlined in the College Orders, appeals of outcomes must be finalised within 20 business days.

13. Risk Assessment and Support Plan

13.1 To support residents with both a Disclosure or Formal Report, as well as supporting the Respondent, the College takes steps to assess and respond to potential risks.

13.2 Within 48 hours of receiving a Disclosure or Formal Report, a qualified residential staff member will undertake a risk assessment that:

- (a) takes into account and seriously considers the views of the Discloser; and
- (b) determines safety measures to be implemented to protect the safety of the Discloser and other residents.



- 13.3 Within 48 hours of receiving a Disclosure or Formal Report, a qualified residential staff member will develop and implement a support plan collaboratively, and as desired by the Discloser/Reporter in accordance with this policy.
- 13.4 Within 48 hours of receiving a Disclosure or Formal Report, a qualified residential staff member will develop and implement a support plan collaboratively, and as desired by the Respondent in accordance with this policy.
- 13.5 In developing a tailored support plan, the College will consider and implement all support avenues available and appropriate including:
 - (a) Implementing any safety measures outlined in section 14;
 - (b) Explaining and prioritising urgent access to support service;
 - (c) ensuring, to the extent possible, that the Discloser is not required to repeat the content of Disclosures and Formal Reports multiple times to multiple people;
 - (d) Prioritising urgent access to services of an Accredited Specialist;
 - (e) prioritising urgent access to translation and interpreter services if needed;
 - (f) considering collaborating with the ANU to help implement academic adjustments to support the Discloser in achieving their educational outcomes; and
 - (g) Discussing the support options available to the Discloser through these processes.

14. Safety Measures

- 14.1 When a Disclosure or Formal Report is received the College will consider if precautionary safety measures should be put in place prior to any investigation or outcome.
- 14.2 In determining these measures, the College will consider whether there is a risk to the safety or wellbeing of any person based on the alleged behaviour (recognising that the allegation may not have been investigated and may not be substantiated).
- 14.3 Safety measures include but are not limited to separation of parties, suspension from the College, exclusion from College grounds and activities, a direction to resign or stand down from leadership positions.
- 14.4 Safety measures do not in any way prejudge the outcome of a Report or disciplinary process.
- 14.5 If the Respondent declines to cooperate with a proposed precautionary measure, further action may be taken under the College's Disciplinary Process.
- 14.6 The College will comply with any precautionary safety measures which are directed by the University under the Discipline Rule.

15. The role of Ethical Bystanders

- 15.1 Ethical bystanders play an important role in preventing and responding to gender-based violence by noticing, challenging, and safely intervening in concerning behaviour.
- 15.2 The College acknowledges that bystanders may experience distress, confusion, or fear when witnessing or responding to potential harm. Bystanders are encouraged to seek support from College staff, peers, or professional services.



- 15.3 Residents who witness, suspect, or become aware of behaviour that may place another person at risk will be encouraged to Report their concerns through the College's Reporting pathways or directly to College staff.
- 15.4 Any resident who Reports a concern or acts as a bystander in good faith will be treated respectfully and will be protected through the Community Standards procedures from retaliation, victimisation, or adverse consequences for doing so.

16. Confidentiality and privacy

- 16.1 The confidentiality and privacy of parties involved in a Disclosure or Report will be protected where possible, noting that the College may need to inform key personnel at the College, the University, or the police to progress a matter or as required by Clause 12 of the Australian National University (Residential Colleges Affiliation) Statute 2021.
- 16.2 Burgmann College is required to intermittently and when requested Report information around Disclosures and Formal Reports confidentially and to the Australian National University.
- 16.3 If a resident is under 18 years of age when they submit a Disclosure or Formal Report the College may be bound by mandatory Reporting requirements in line with the National Principles for Child Safe Organisations.

17. Review of Policy document

- 17.1 The Principal will review the effectiveness and appropriateness of this policy and its procedures and Report to the Management Board every two years.
- 17.2 The College will monitor its support services and evaluate the effectiveness of those services at least once every three years. Monitoring and evaluation findings must inform future service delivery.
- 17.3 This Policy must be approved by the College's Board of Management.

Approved By	Date Approved	Next Review Date
Board of Management	[Date of Approval]	[Next Review Date]

18. Definitions

College	Means Burgmann College, including its staff, leadership, board of management and Council who are responsible for implementing this policy
Disciplinary Process	The process outlined in Sections 10 through 14 and informed by the rest of this document
Discloser	Means a person who has shared information about their experience of Gender-based Violence.
Disclosure	Means the provision of information about a person's experience of a Breach of Community Standards to the College by the Discloser or another person



Ethical Bystander	Means a person who witnesses an event that is disrespectful or harmful and chooses to intervene in a way that is safe and effective
Formal Report	Means the provision through Formal Reporting channels of information about their experience of a Breach of Community Standards by a Reporter to the College, which requires the College to consider taking steps beyond the offer and provision of support services, including (without limitation) the commencement of an investigation and/or a disciplinary process in appropriate circumstances
Gender-based Violence	Means any form of physical or non-physical violence, harassment, abuse or threats, based on gender, that results in, or is likely to result in, harm, coercion, control, fear or deprivation of liberty or autonomy
Mandatory Reporting	Means a legal requirement for some professionals to alert authorities about suspected cases of abuse, neglect, or harm. In the ACT this is requirement concerning children (under 18 years of age). Other obligations may be enacted
Mediation	Means a negotiation facilitated by the Director of Student Culture and Development, Deputy Principal or Principal. It is a structured, interactive process that assists disputing parties in resolving conflict
Person-centred Approach	Means ensuring that the Discloser's or Reporters needs and preferences are at the centre of decisions made in response to the Disclosure or Formal Report. The response systems, Policies and Procedures affirm the Discloser's dignity and support their healing by genuinely considering their wishes and the impact that decisions may have on them, while at all times ensuring the safety and wellbeing of the Discloser and other Students and Staff
Procedural Fairness	in a decision-making context, means the decision is made in accordance with the rule against bias and the hearing rule (i.e., a Respondent is given an opportunity to present their case with knowledge of any prejudicial material that may be taken into account by the decision-maker)
Qualified Residential Staff Member	Means a member of the Burgmann College Senior Leadership team that lives onsite and has received training in responding to Gender-based Violence
Reporter	Means a person who has made a Formal Report about their experience of Gender-based Violence.
Respondent	Means a person whom it is alleged has engaged in conduct that breaches the Community Standards
Serious Breach	Means a breach that if substantiated, may result in suspension or exclusion from the College
Sexual Harm	Means any unwanted behaviour of a sexual nature. Sexual harm includes sexual assault, rape, sexual harassment, sex-based harassment and any other unwanted sexual behaviour, whether online or in person. The harm may result in a person feeling uncomfortable, frightened, distressed, intimidated, or harmed either physically or psychologically



Staff	Means any person who works, in any capacity, in or as part of the business or undertaking including employee, independent contractor or subcontractor (or their employee), employee of a labour hire company, outworker, such as a home-based worker, apprentice or trainee, a student gaining work experience or volunteer.
Trauma-informed Approach	Means an approach that applies the core principles of safety (physical, psychological and emotional), trust, choice, collaboration and empowerment. It should minimise the risk of re-traumatisation and promote recovery and healing to the greatest extent possible



Appendix A. Support services

The College, University and broader Canberra community hosts an array of support services. These can be viewed and accessed below.

ANU Wellbeing Support Line (24 Hour)	24-hour telephone and text counselling support service available to ANU students experiencing situational stress, emotional difficulties, and mental health concerns	Call: 1300 050 327 or SMS: 0488 884 170
ANU Safety and Wellbeing Team	Free and confidential* support for students who have been impacted by sexual assault or sexual harassment	student.wellbeing@anu.edu.au
Canberra Rape Crisis Centre	A crisis and counselling telephone support service: 7am-11pm	Call: 02 6247 2525
Sexual Health and Family Planning ACT	Provides consultations for a wide range of sexual and reproductive health needs	Call: 02 6247 3077
Lifeline (24 Hour)	24-hour telephone counselling and crisis support	Call: 13 11 14
Domestic Violence Crisis Service (24 Hour)	24-hour domestic violence crisis assistance	Call: 02 6280 0900
1800 RESPECT	24-hour national sexual assault & domestic violence crisis counselling line	Call: 1800 737 732
A Gender Agenda	A Gender Agenda aims to support the goals and needs of the intersex, transgender and gender diverse communities of Canberra	Call: 1800 184 527 Website: genderrights.org.au
Mensline	24-hour telephone counselling & support for men	Call: 1300 78 99 78
YWCA Canberra	Confidential advice and support in dealing with Gender-based Violence	02 6185 2000 , email respect@ywca-canberra.org.au
National Student Ombudsman	The National Student Ombudsman works to resolve student complaints about higher education providers.	https://www.nso.gov.au/

