

Breach of Burgmann Community Standards Policy & Procedures

1. Introduction

Burgmann College is committed to providing a safe and respectful community for all residents. 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.

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.

Defined terms are outlined in Section 16.

2. Purpose

The purpose of this policy is to define the rights and responsibilities of residents in relation to expectations of behaviour and the procedures and sanctions to be invoked if a resident breaches our community standards.

3. Scope

This Policy applies to residents of Burgmann College who have signed a current and valid Occupancy Agreement.

4. Policy Principles

- 4.1 All residents have the right to expect respectful behaviour from others and each of us have the personal responsibility to behave respectfully towards others. 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 as outlined in Section 12.
- 4.2 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.
- 4.3 The College recognises the diversity of possible breaches of community standards and the need for different options for impacted residents to seek resolution. The College has a set of options for residents to receive support, resolution and action. If a disciplinary process is deemed necessary, the College is committed to operate fair, transparent mediation, investigation and disciplinary processes.
- 4.4 The College will provide support to all parties involved including the resident who has made the disclosure or report, the resident whom the disclosure or report has been made about, witnesses or first responders. The College will undertake any investigations and disciplinary processes in an impartial, transparent way according to the principles of natural justice.



- 4.5 This policy does not extinguish the right of an individual to seek the assistance of other external bodies, such as the Australian National University (the University) or Police. Should an allegation be referred to an external body, the internal processes of the College may be suspended pending the outcome of an external process.

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 impact the wellbeing or infringe upon the rights and freedoms of another person or harmonious College life. The “Burgmann Community Standards” enumerates what these are, both in its framework and detail. 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.

6. Deciding to make a Disclosure or Report

- 6.1 Any resident may make a Disclosure of a potential breach of community standards.
- 6.2 A resident who has experienced, or witnessed, a breach of community standards directly can make a Report.
- 6.3 Residents can make a Disclosure or initiate a Report by contacting the College Dean, the Deputy Principal or Principal, and can do so in-person, over the phone, or via email. They can also speak to a Residential Advisor in the first instance who will notify the College Dean, Deputy Principal or Principal.
- 6.4 Residents who make a Disclosure or Report to the College will be supported through regular contact with the College Dean or Deputy Principal, this support will be assessed on a case-by-case basis.

7. Confidentiality and privacy

- 7.1 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. This is to ensure the safety of individuals and the wider community, and to comply with mandatory reporting requirements and University reporting obligations. When possible impacted parties will be notified if this occurs. If these notifications occur, the College Chair will also be notified.
- 7.2 If a resident is under 18 years of age when they allege that they have experienced sexual harm, the College may be bound by mandatory reporting requirements in line with the National Principles for Child Safe Organisations.

8. Making a Disclosure

- 8.1 A Disclosure involves sharing of information about an alleged breach of community standards. 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 When a Disclosure is made, the College can assist with information and referral to available support services, advise the resident of options for possible further action, provide information about College and University policies, or facilitate mediation between parties if requested and appropriate.
- 8.3 A confidential record of the Disclosure will be kept on file.
- 8.4 A resident who has made a disclosure may later make a Report regarding the same incident.
- 8.5 Unless deemed essential for safety and wellbeing reasons, the College will take no other action unless a Report is made to the College. If there are safety and wellbeing concerns, the Principal can initiate the College disciplinary process and put in place precautionary measures (refer to Section 9. Precautionary measures).

9. Making a Report

- 9.1 A Report provides a formal account/complaint about an alleged breach of community standards where the resident making the Report would like action to be taken and a resolution to be found.
- 9.2 A Report must be submitted by a resident (Complainant) and must outline the allegation of misconduct and name the Respondent. It is not necessary for a Complainant to have made a disclosure before submitting a report.
- 9.3 A Report must be made to the Principal in writing via email or letter.
- 9.4 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.
- 9.5 The College will respect the wishes and choices of the Complainant as to how the matter is dealt with to the furthest extent possible. However, as part of its commitment to providing a safe place for residents and staff to live, work and study, the College may take any necessary action to avoid foreseeable risk of harm to members of the College community. This may include contacting the University or Police. When possible impacted parties will be notified if this occurs.
- 9.6 A Complainant is free to change their mind about the Report at any time, including to withdraw it. That decision will be respected and the College will continue to provide support, information and advice to the complainant.

10. Serious Reports will be referred to the ANU's reporting and disciplinary process

- 10.1 Serious Breaches of community standards have broader implications for the safety and well-being of the University campus. For this reason, Reports of Sexual Harm or serious breaches of community standards including physical assault, harassment and vilification will be formally reported as misconduct to the University and assessed under the University's Discipline Rule. All other Reports will be assessed under the College's Disciplinary process.
- 10.2 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."



- 10.3 If a resident decides to make a Report, the College will support them through the ANU reporting process and implement any necessary precautionary measures (refer to Section 11. Precautionary measures).
- 10.4 Following an outcome of a Report at the University level, to ensure safety and harmony the College may impose additional measures. Additional measures may 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.

11. Precautionary measures

- 11.1 When a Disclosure or Report is received the College will consider if precautionary measures should be put in place prior to any investigation or assessment.
- 11.2 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 has not been investigated and may not be substantiated).
- 11.3 Precautionary 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.
- 11.4 Precautionary measures do not in any way prejudice the outcome of a Report or Disciplinary process.
- 11.5 If the person about whom the Report is made declines to cooperate with a proposed precautionary measure, further action may be taken under the College's Disciplinary Process.
- 11.6 The College will comply with any interim measures which are directed by the University under the Discipline Rule.

12. College Disciplinary Process

Principal may initiate the Disciplinary Process without a Report

- 12.1 For the avoidance of doubt, the Principal may initiate a Disciplinary Process in relation a resident's alleged conduct even though a Report has not been submitted.

Decision to initiate the Disciplinary Process

- 12.2 If a Report is received, the Principal will promptly acknowledge receipt of the report, acknowledge the complainant's experience and offer support and counselling.
- 12.3 The Principal will promptly and fairly conduct an initial assessment and determine whether the College Disciplinary Process should be initiated or whether the Report, on its face, alleges serious breaches of the community standards.
- 12.4 If the Principal is satisfied the report alleges serious breaches of community standards, the Principal must assist in progressing the Report to the University.
- 12.5 The Principal will also determine what precautionary measures are required.
- 12.6 A casefile will be established to keep records of all matters related to the Report.
- 12.7 The Principal will inform the Burgmann College Council Chair.



Disciplinary procedure

- 12.8 The College is committed to a Disciplinary Process that is fair, transparent and respects procedural fairness. In general, the following process will be followed:
- 12.8.1 If the Principal has determined that the College Disciplinary Process should be initiated, the Principal will notify the Respondent in writing via email or letter outlining the alleged breach of community standards. The Respondent will be offered support and counselling.
 - 12.8.2 The Principal or Deputy Principal 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.
 - 12.8.3 The Respondent may provide a written submission responding to the allegations.
 - 12.8.4 The Principal and Deputy Principal may undertake broader investigations, including obtaining statements from witnesses and the Complainant, and initiate independent investigations.
 - 12.8.5 The Principal and Respondent may meet to discuss the information collected. Where a meeting is not possible, other means of communication may be used.
 - 12.8.6 The Principal will provide a draft of findings and proposed sanctions (outlined in Section 13 below). The Respondent will be provided an opportunity to 'show cause' why findings and proposed sanctions should be reconsidered.

Final Decision

- 12.9 A Final Decision will be provided to the Respondent and to the Complainant outlining the basis of the decision and any sanctions which the College is applying, together with any relevant time frames.
- 12.10 In the case of suspensions, exclusions and expulsions, the College Council Chair will be notified, and when required the University.

13. Warning and Sanctions

- 13.1 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.
- 13.2 Sanctions imposed by the College may include:
- 13.2.1 An informal warning that certain behaviour is unacceptable and should stop;
 - 13.2.2 A Formal Warning notice. A number of Formal Warnings may be grounds for the Principal to consider suspension, exclusion or expulsion of the resident;
 - 13.2.3 Obligation to make good – e.g. replace or pay for damage, refund the College or an individual;
 - 13.2.4 Community service;
 - 13.2.5 Suspending a resident's rights – e.g. withdrawal of IT access for breaking the University's IT regulations, exclusion from certain events or areas of the College;
 - 13.2.6 Revising room allocation privileges;
 - 13.2.7 Imposing a financial penalty;



- 13.2.8 Removing a resident from College employment;
- 13.2.9 Suspending a resident from College;
- 13.2.10 Expelling a resident from College (Note that Rule 19 of the College's Rules and Orders made under that Rule applies to this sanction).

14. Appeal procedure

- 14.1 The Respondent may Appeal the Principal's decision using the Appeals process outlined in the College Orders.

15. Review of Policy document

- 15.1 The Principal will review the effectiveness and appropriateness of this policy and its procedures and report to the Management Board every two years.

16. Definitions

College	The College refers to Burgmann College, including its staff, leadership, board of management and council who are responsible for implementing this policy.
Disclosure	Involves the sharing of information about an alleged breach of community standards that would not result in a formal investigation or Disciplinary Process.
Disciplinary Process	The process outlined in Section 12 and informed by the rest of this document.
Mandatory Reporting	Mandatory Reporting is 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	A negotiation facilitated by the College Dean, Deputy Principal or Principal. It is a structured, interactive process that assists disputing parties in resolving conflict.
Report	A report provides a formal account/complaint about a breach of community standards that seeks the College undertake a formal investigation or initiate a Disciplinary Process.
Sexual Harm	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.
Serious Breach	Is a breach that if substantiated, may result in suspension or exclusion from the College.
Trauma-informed approach	Trauma-informed approach involves understanding, anticipating, and responding to the needs of victim-survivors. This includes active listening, projecting empathy and providing the person with agency.
Victim-centred approach	Focuses on ensuring the safety, rights, wellbeing and expressed needs and choices of victim-survivors when responding to sexual harm.

Approved By	Date Approved	Next Review Date
Board of Management	17 April 2025	No later than April 2026

