

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

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<b>TRIM document</b>	2017/0000390
<b>Description</b>	This policy outlines the procedures by which breaches of residential community standards and other grievances will be resolved within the Residential Colleges. It also outlines the procedures that a College member may follow to have a decision reviewed by the Director, Campus Life.

## Related documents

[Student Review and Appeals Policy](#)

[Student Review and Appeals Procedures](#)

[Review of Decision Form](#)

[Student Misconduct Policy](#)

[Student Misconduct Procedures](#)

[\[Responsibilities\]](#) [\[Resolution of Breaches of Residential Community Standards\]](#) [\[Resolution of Other Grievances\]](#)

## 1. RESPONSIBILITIES

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

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

## 2. RESOLUTION OF BREACHES OF RESIDENTIAL COMMUNITY STANDARDS

### 2.1 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. 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. In so doing they also agree that if they breach these standards they will submit to the Residential Colleges' system of managing such breaches.

The purpose of this policy is to define the rights and responsibilities of College members and staff, and provide procedures and sanctions to be invoked and applied if residential community

standards are breached. While elements of this policy may have similarities with the legal system, it is essentially educative and administrative in nature.

## **2.2 Protocol to be followed by the Residential Life Coordinator in Handling Possible Breaches of Residential Community Standards**

The following protocol outlines the procedures that will be followed by the Residential Life Coordinator in handling alleged breaches of residential community standards.

- 2.2.1 Where the Residential Life Coordinator's attention is drawn to a possible breach of residential community standards the Residential Life Coordinator will, at the earliest possible opportunity, communicate this to the College member outlining the possible breach and indicating that they should meet to discuss this.
- 2.2.2 The Residential Life Coordinator will advise the college member:
  - that the possible breach is being investigated in accordance with these procedures;
  - where a full copy of this policy may be obtained; and
  - that the College member may be accompanied to the meeting by a supporter.
- 2.2.3 Arrangements will then be made for the Residential Life Coordinator and College member to meet. However, if the College member does not respond, or fails to meet the Residential Life Coordinator at the allocated meeting time after two attempts to confirm a meeting via email followed by a phone call, then the meeting will proceed in the College member's absence.
- 2.2.4 When the Residential Life Coordinator and College member meet, the College member may be accompanied by another College member acting in the role of supporter and the Residential Life Coordinator may ask a Residential Advisor or another staff member to also be present. ([Refer section 2.6](#))
- 2.2.5 During this meeting, the College member's alleged behaviour will be outlined by the Residential Life Coordinator with evidence of this being presented as appropriate. The College member may respond by either agreeing with the information presented by the Residential Life Coordinator, or by presenting additional or alternative evidence, mitigating circumstances. ([Refer section 2.7](#))
- 2.2.6 The Residential Life Coordinator will (either at that meeting or after further consideration and enquiries) make a decision on the matter and inform the College member of this and, if necessary, an appropriate sanction. ([Refer section 2.8](#))
- 2.2.7 It is preferable for the Residential Life Coordinator to inform the College member of this decision in a face-to-face meeting during which the College member can be given the opportunity to respond to the decision and the sanction. If considered appropriate, the Residential Life Coordinator may vary the sanction in light of this discussion with the College member.
- 2.2.8 The Residential Life Coordinator will then confirm in writing the content of the discussion, the decision, the basis on which the decision was reached, and any sanction with the College member.
- 2.2.9 This communication will also provide advice that if the College member's recollection of the discussion differs from that of the Residential Life Coordinator, this should be brought to the Residential Life Coordinator's attention as soon as possible with a request for clarification. Details of where a full copy of this policy may be obtained will also be included.

The Residential Life Coordinator 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 Residential Life Coordinator must give due regard for considerations of privacy and confidentiality.

If after the Residential Life Coordinator has made a decision, 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 comes to light and may have produced a different decision, the College member should provide that evidence and request that the Residential Life Coordinator reconsider the matter.

## 2.3 Review by the Director

It is possible that a College member may disagree with the Residential Life Coordinator's decision and wish to have it reviewed by the Director. In situations where it is not possible or appropriate for the Director to deal with the request to review a decision, e.g. the Director is away on leave or is unable due to work commitments to deal with the request to review a decision, a Nominee will be appointed by the Director. The College member applying for a review of the Residential Life Coordinator's decision will be notified with whom their review will be handled by the Accommodation Manager.

The following procedures will be followed:

- 2.3.1 A College member who has received a sanction resulting from a breach of community standards may apply for a review of this decision to the Director, Campus Life within three (3) working days of notification of the decision. In cases that involve termination of residency, this period is reduced to one (1) working day. The application for review is to be made using the University's *Review of Decision* form.
- 2.3.2 If a College member lodges a *Review of Decision* form, any sanction imposed by the Residential Life Coordinator is suspended until the Director has made a decision on the request to review the decision.
- 2.3.3 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 Residential Life Coordinator did not follow the correct protocol for Residential Life Coordinator in making the decision. ([Refer section 2.2.](#))
  - Evidence or circumstances that should have been taken into account by the Residential Life Coordinator 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.
- 2.3.4 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 Residential Life Coordinator with a request for reconsideration of the matter. ([Refer section 2.2](#))
- 2.3.5 When a College member requests a review of the Residential Life Coordinator's decision, the burden of proof resides with the College member. In other words, the College member must demonstrate to the Director:
  - The Residential Life Coordinator did not follow the correct protocol for Residential Life Coordinators in making the decision. ([Refer section 2.2.](#))
  - Evidence or circumstances that should have been taken into account by the Residential Life Coordinator 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.
- 2.3.6 Upon receiving the *Review of Decision* form, the Director will decide whether the College member has presented an adequate prima facie case to justify further consideration of the review.
- 2.3.7 If the Director decides that an adequate prima facie case has not been presented, the Director will inform the College member of this, preferably in a face-to-face meeting during which the College member can be given the opportunity to respond. The Director or Nominee will confirm the decision and the basis on which it was made in writing to the College member.
- 2.3.8 If the Director decides that an adequate prima facie case has been presented but is of the opinion that the matter might usefully be resolved by requesting the Residential Life

Coordinator to re-hear the matter afresh, the Director will inform both the Residential Life Coordinator and College member of this decision and the basis on which it was made in writing.

- 2.3.9 The Residential Life Coordinator will then re-hear the matter afresh following the protocol outlined in [section 2.2](#) within ten (10) working days. The College member will have the right to a further appeal against any decision made by the Residential Life Coordinator resulting from this process.
- 2.3.10 If the Director decides that an adequate prima facie case has been presented the Director will appoint a panel of three (3) persons (hereinafter called "the Panel") to assist in consideration of the request to review the decision and provide advice on the matter. The Panel will comprise:
- A senior staff member from Accommodation (who will act as Chair of the panel);
  - The President (or nominee) of the Residential Committee of that Residential College;
  - A Senior Residential Advisor from another Residential College.
- 2.3.11 All members of the Panel must put aside any personal considerations in reviewing the Residential Life Coordinator's decision. If persons who are invited to serve as members of the Panel are of the opinion that this would be difficult for them, they must advise the Director of this and decline the invitation.
- 2.3.12 The College member may lodge an objection to a person being a member of the Panel, however, the Director's decision as to the composition of the Panel will be final.
- 2.3.13 A mutually convenient time will be arranged at which the Director, the Panel, the Residential Life Coordinator, and the College member are available to attend. The College member may be accompanied by another College member who may act as a supporter.
- 2.3.14 Prior to the meeting all parties will be provided with a copy of any documentation pertaining to the matter.
- 2.3.15 If the College member fails to attend the meeting the Director may, without further notice, proceed in the College member's absence or dismiss the request to review the decision. If there are medical or compassionate reasons for the absence, the Director should be notified immediately. The Director will determine the acceptability of such reasons and whether the meeting should be adjourned.
- 2.3.16 The review will be conducted by considering only those matters to which the College member's request for review of the decision is related. For example, if the grounds for the College member's request for a review of the decision are that the sanction imposed by the Residential Life Coordinator is inconsistent with the nature of the breach of residential community standards, then the Director and Panel will address only this issue.
- 2.3.17 The Director and Panel are not bound by the rules of evidence or other technicalities or legal forms.
- 2.3.18 Upon convening, the Director and Panel will invite the College member into the meeting room to present the grounds for his or her request to review the decision. The College member will then be asked to leave the meeting room and the Residential Life Coordinator will be invited into the meeting room to explain the matter from his/her perspective.
- 2.3.19 The Panel will then retire to consider the matter and may, if they believe it would assist their deliberations, recall either the College member or the Residential Life Coordinator to ask additional or clarifying questions.
- 2.3.20 The Panel will then present their advice verbally to the Director.
- 2.3.21 At the conclusion of these discussions the Director will make a decision to confirm, put aside, modify (in full or in part), or increase the sanction(s) originally imposed by the Residential Life Coordinator.
- 2.3.22 The deliberations of the Panel and the Director shall be closed and no record kept.

2.3.23 The Director will firstly inform the Residential Life Coordinator and then the College member of the decision in the matter and confirm this in writing to the College member.

2.3.24 The decision of the Director, Campus Life is final.

## **2.4 Communication with College members**

Communication with College members will be undertaken in a manner consistent with the University's Student Administration Policy and Guideline on Student E-Mail.

For the purposes of this policy, a letter addressed to a College member's room or an E-mail addressed to the College member's University E-mail address (or in the case of students of other higher education institutions, to a nominated E-Mail address) shall be deemed to have been received by the College member.

## **2.5 Proceedings of Meetings**

All proceedings (including any initial meetings between a College member and the Residential Life Coordinator) will be carried out in a manner which is informal but at the same time assures natural justice.

## **2.6 Supporter**

A College member who is required to meet with the Residential Life Coordinator, or the Director and Panel, may be accompanied by another College member acting in the role of supporter.

The supporter's role is to observe the meeting and provide support and guidance to the College member, as requested. The supporter may not represent the College member or speak on the College member's behalf.

In choosing a supporter, the College member should be mindful of any potential conflict of interest. For example, a Residential Advisor, a witness, or another College member involved in the matter under consideration may not act in this role.

## **2.7 Standards of Evidence**

Formal rules of evidence are not applicable. If a College member denies responsibility for an alleged breach of residential community standards, the Residential Life Coordinator will make a decision based on the balance of possibilities.

In a case where the facts are contested there is generally a "weight" of evidence on each side. The Residential Life Coordinator will place greater emphasis on evidence which, when fairly considered, produces the stronger impression and is more convincing. After considering all the available evidence the Residential Life Coordinator will decide whether there is a greater weight of evidence that the College member was responsible for the breach than the College member was not.

This standard is not the same as "beyond reasonable doubt" which is a more rigorous requirement demanded by the courts in criminal cases. Given this, the Residential Life Coordinator need not attain the degree of certainty that is required to justify a criminal conviction.

## **2.8 Sanctions**

Where a College member has been found in breach of residential community standards, the Residential Life Coordinator may impose a sanction. 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 heal any ill feeling or unease in the community caused by their behaviour.

In determining an appropriate sanction, the Residential Life Coordinator will evaluate each situation and College member individually. The Residential Life Coordinator 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.

<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>Restitution</i>	Reimbursement for damage to, or misappropriation of, property.
<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>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>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.
<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. 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 under the Student Discipline Statute</i>	Referral to the University-wide discipline system.
<i>Combinations of the above.</i>	

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### 3. RESOLUTION OF OTHER GRIEVANCES

#### 3.1 Introduction

From time to time difficult issues of an interpersonal nature may arise in the University Residential Colleges. These might manifest as personal conflict within a flat perhaps, for example, because of an underlying clash of personalities. An underlying current of disharmony may surface which may, after conciliation has been attempted, require the Residential Life Coordinator to take some action to achieve an appropriate community living environment.

In preparation for a forthcoming Academic Year or at other times, the Accommodation Office allocates College members to rooms within a particular Residential College. In allocating rooms, the Accommodation Office will take many factors into consideration in attempting to provide an appropriate balance of gender, academic course, cultural, ethnic and experiential backgrounds, as well as personality types. Balancing these considerations is at best a difficult task for the Accommodation Office.

#### 3.2 General Decision-Making Principles

Decision-making in cases such as those mentioned above is often difficult. The following principles will be followed in these matters:

3.2.1 A College member (or group of College members) has the right to meet with the Residential Life Coordinator and ask for reasons for a decision which affects them.

Following such a meeting, the College member (or group of College members) may also ask the Residential Life Coordinator for confirmation by letter or email of the decision and reasons.

- 3.2.2 Wherever possible and when requested, the Residential Life Coordinator will afford the College member (or group of College members) the opportunity to discuss matters such as these in a face-to-face meeting with the Residential Life Coordinator.

### 3.3 Review by the Director

There may be times when a College member (or group of College members) disagrees with the Residential Life Coordinator's decision. As stated above such decisions might have been made in relation to requests for room allocation, room changes, tensions within flats which may have resulted in flat disharmony, etc.

In some cases the Residential Life Coordinator's decision may not have been made directly in relation to this College member (or group of College members) but still may impact directly on them. In such cases it would be unusual for College members outside a flat/wing to be able to claim direct impact.

If this has not already occurred, and prior to lodging a formal appeal to the Director, the College member (or group of College members) should seek a meeting with the Residential Life Coordinator to discuss the decision and the reasons that led to that decision. If, due to the nature of the decision, this has not as yet been confirmed in writing then a College member may ask the Residential Life Coordinator to do so, providing reasons for that decision.

After the above meeting has occurred, the following procedures are designed for the resolution of such grievances.

- 3.3.1 A College member may apply for a review of the Residential Life Coordinator's decision to the Director, Campus Life within (3) working days of the written notification of the Residential Life Coordinator's decision being received by the College member. The application for review is to be made using the *Review of Decision* form in accordance with the *Student Review and Appeals Policy* and *Student Review and Appeals Procedures*.
- 3.3.2 If such a request is lodged by a College member, the Director will ask the Residential Life Coordinator to refrain from implementing the decision or continuing the action during the period from the receipt of the letter of appeal until its finalisation.
- 3.3.3 When 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 Residential Life Coordinator did not allow a College member who had an interest in the decision to be heard.
  - The Residential Life Coordinator did not take into account evidence or circumstances which he/she should have in reaching his/her decision.
- 3.3.4 A mutually convenient time will be arranged at which the Director, Campus Life, the Residential Life Coordinator, and the College member are available to attend. The College member may be accompanied by another College member who may act as a supporter. The Director, Campus Life may ask another staff member to also be present.
- 3.3.5 Prior to the meeting all parties will be provided with a copy of any documentation pertaining to the matter.
- 3.3.6 If the College member fails to attend the meeting the Director, Campus Life may, without further notice, proceed in the College member's absence or dismiss the review of the decision. If there are medical or compassionate reasons for the absence, the Director should be notified immediately. The Director will determine the acceptability of such reasons and whether the meeting should be adjourned.
- 3.3.7 The Director, Campus Life will invite the College member to present the grounds for the review of the decision. The College member will then be asked to leave and the Residential Life Coordinator will be invited into the room to explain the matter from his/her perspective.

- 3.3.8 If the Director, Campus Life is of the opinion that the matter might usefully be facilitated by a round-table discussion, the Director, Campus Life may invite the Residential Life Coordinator and College member into the room for such discussion.
- 3.3.9 At the conclusion of these discussions the Director, Campus Life will make a decision to confirm, modify or reverse the Residential Life Coordinator original decision.
- 3.3.10 The Director, Campus Life will inform firstly the Residential Life Coordinator and then the College member of the decision in the matter and confirm this in writing in a letter to the College member.
- 3.3.11 The decision of the Director, Campus Life is final.