



Bullying, Harassment, Discrimination and Physical Assault Serious Matter & Critical Incident Procedure & Guidelines

Version: 2nd

Responsible To: Head of College & CEO – John XXIII College

Pertains To: Residents (Accommodation Agreement Holder) – John XXIII College

Supported By: Deputy Head of College – John XXIII College
Staff – John XXIII College
Collegiate Team – John XXIII College

Monitored By: Head of College & CEO – John XXIII College

The Guidelines forming the Basis of the Procedure

1. When the College becomes aware of a report that a resident has been bullied, hazed, harassed, discriminated against or assaulted, it will ensure the physical and mental safety of the resident(s) – this is the primary concern of the College.
2. The College will assess the possibility of any further threats against the victim or others. If harm is imminent, then the College must act immediately to protect the Residents.
3. The College will provide support to the resident and facilitate access to relevant services.
4. Where relevant or when considered appropriate, the College may use an additional staff member when dealing with an incident of violence where both parties are residents at the College. In these cases, one staff member would deal with one of the parties, while the other staff member would deal with the other party.

Procedure - Residents

1. Any Resident who feels that they have been subjected to any form of bullying, hazing, harassment, discrimination or physical assault is encouraged to report this to the Head of College (HOC), Deputy Head of College (DHOC), Dean of Residents (DOR) or a member of the Pastoral Team.
2. Residents may also use Stage 1 - The Early Resolution (Informal Resolution) level of the Grievance Policy if they consider that they are experiencing discrimination, harassment, hazing or bullying and wish to try and resolve the issues themselves. If this fails, they are encouraged to report the incident under this Policy.
3. Residents, who are ANU students, can also report to ANU under ANU policies and procedures if they feel that they are experiencing bullying, hazing, harassment, discrimination or are the victim of an assault by another ANU student or ANU staff member. In this case:
 - a. They are encouraged to speak to the ANU Dean of Students, who is able to assist ANU enrolled Residents in matters pertaining to complaints under ANU policies.
 - b. They can directly lodge a report to ANU. If they do so, then advising the College of the fact that they have lodged a complaint with the ANU is entirely at the discretion of the Resident.
 - c. The outcome will be an ANU decision which does not affect John XXIII College, except in the case of a ANU student being excluded from the University, in which case they will also be excluded from the College.
 - d. Regardless of the outcome of the ANU process the College can provide support to the residents involved.
4. A Resident can decide to not report an incident to the College and directly lodge a complaint with the Australian Federal Police. If they do so, then advising the College of the fact that they have lodged a complaint with the Police is entirely at the discretion of the Resident.



Bullying, Harassment, Discrimination and Physical Assault Serious Matter & Critical Incident Procedure & Guidelines
Version: 2nd

5. A Resident who seeks and obtains a Protection Order (DVO or PPO) against a fellow resident at the College is to provide the College with a copy of the Protection Order so the College can assist in fulfilling the requirements of the Protection Order.
6. Any Resident who is struggling to cope (physically or mentally) when dealing with bullying, hazing, harassment, discrimination or assault or is an accused person, should seek professional support services or ask the College for assistance to access these professional support services. The College Counsellor is also available to assist the Residents.
7. If any other student leader (other than a Pastoral Team member) or any other Resident receives a report of bullying, hazing, harassment, discrimination or assault from another Resident, they should report it to and seek advice from the HOC, DHOC, DOR or College Counsellor. It is important that they remember that it is not their role to help resolve the issue, instead they need to encourage them to discuss the matter with the College, so that the College is able to support them and any other Resident involved.

Procedure – Members of the Pastoral Team

1. The Pastoral Team is responsible for the wellbeing of the Residents under their care. To help fulfil this role they need to:
 - a. Continually monitor their corridor for signs of bullying, hazing (or initiations), harassment or discrimination as these behaviours do not have any place at John XXIII College.
 - b. Ensure that bullying, hazing, harassment, discrimination or any form of assaults are not tolerated in the College, by making this clear to all of their residents and reminding them of this policy.
 - c. Ensure that any form of behaviour, verbal or online statements that has the potential to lead to more serious behaviours are challenged and reported before they become misconduct.

NB.
Any behaviour that they walk past, is the standard of behaviour they accept.
2. When a member of the Pastoral Team becomes aware of behaviour that may develop into harmful consequences or actions, such as an attempt to use peer pressure on a Resident, they should step in and try and resolve the behaviour (as a Level 2 Intervention – see Resident Behaviour Policy), before it develops into something more serious.
3. If any member of the Pastoral Team has any suspicions of, or receive any reports of assaults, bullying, harassment, hazing or discrimination, they are to report this to the DHOC as soon as possible.
4. All members of the Pastoral Team are to follow the following procedures:
 - 4.1 *Confidentiality and Privacy*
 - a. They should never agree to keep secrets or keep information relating to the wellbeing of residents. It needs to be clear to Residents, both as a general principle and in specific situations, that the Pastoral Team have a responsibility to speak with the DHOC so they can arrange appropriate help and ensure the safety of residents and the community.
 - b. All members of the Pastoral Team are expected to discuss all concerns about critical incidents and Serious Matters or potential grievances about allegations of bully, hazing, harassment, discrimination and assault with the DHOC as soon as practically possible. At the same time, they are expected to refrain from discussing these concerns with other residents or other SRs, unless essential to assist in resolving a particular situation and with the approval of the DHOC.



Bullying, Harassment, Discrimination and Physical Assault Serious Matter & Critical Incident Procedure & Guidelines
Version: 2nd

- c. Discussions between staff and any member of the Pastoral Team do not represent a breach of privacy legislation where the focus is on the wellbeing and safety of the community or individuals in the College. It is a necessary part of the professional management of the College that such issues are identified and managed appropriately. Respect for privacy is demonstrated by refraining from unnecessary or extensive disclosures of personal information or speculations about individual's motivations/ behaviour etc or 'gossip'.

4.2 Responding to 'Critical Incidents' and 'Serious Matters'

- a. All members of the Pastoral Team must complete training on how to respond to serious incidents and the expected reporting processes. They must also complete College and ANU training in the appropriate use and involvement of emergency services and the College Emergency Response Protocol.
- b. The Pastoral Team have limited responsibility in the management of critical incidents and serious matters, with the focus being on responding appropriately when they first become aware of the incident, and then referring the matter onwards.
- c. Members of the Pastoral Team must, through the appropriate channels and in a timely fashion, report and seek support in responding to all serious matters. They are encouraged to discuss the options available for this support with the DHOC and with the College Counsellor. If needed, they should seek to debrief after the event with appropriate College staff or counsellor, University staff members or an outside counsellor.
- d. Where someone at College is aware of an immediate threat to the life of a person or a serious threat to property (such as a person with a weapon), they are to ring and report the incident to emergency services, before following any other steps outlined in this policy.

NB.

- The Police require the individual who is the subject of a threat or injury to report it directly to the Police so they can assist ASAP. (Third party reports are not given the same priority.)
 - ANU Security should be advised after Emergency Services have been contacted.
 - The DHOC should be immediately notified whenever ANU Security and / or Emergency Services have been brought in to the College.
- e. The safety of each member of the Pastoral Team is a primary concern of the College. All members of the Pastoral Team are expected to consider their own safety in any actions they take around critical incidents and serious matters e.g. not being alone with a person who may be dangerous, not driving a person who is very ill to hospital on their own, etc.
 - f. No member of the Pastoral Team is to attempt to resolve potential grievances about critical incidents and serious matters, such as assaults or harassment. This is the role of the DHOC.
 - g. In general, the members of the pastoral team involved in critical incidents and *serious matters*, such as allegations of harassment, bullying, hazing discrimination or assault should keep notes. Notes should be factual and include:
 - i) The nature of the incident/complaint,
 - ii) The full names of people involved,
 - iii) The dates and times, and
 - iv) All actions taken, including who the incident was reported to.

'Opinions' should be avoided unless they are noted as 'opinion'. These notes are then to be stored with confidential records maintained by the DHOC concerning the particular incident.



Bullying, Harassment, Discrimination and Physical Assault Serious Matter & Critical Incident Procedure & Guidelines
Version: 2nd

- h. After reporting the critical incident or serious matter the member of the Pastoral Team's role is over, except in providing support to the residents or other roles as directed by the DHOC.

Procedure – Staff

General

1. Bullying, Harassment, Hazing, Discrimination and Physical Assault are criminal offences. As are stalking and obscene communications including messages through emails, phone calls, social media etc.
 - a. The College staff will act immediately on reports of possible criminal offences and follow the procedures outlined in this policy.
 - b. Violent behaviour, assault, or threats of violence should always be considered as matters requiring police involvement. Even where the behaviour may appear to be a result of a mental health problem or alcohol / drug misuse, the Police and/or Security should be considered as the first points of contact.
NB.
 - i) It is NOT the role of staff to contact the Police.
 - ii) The Police require the victim to make the complaint.
2. The Head of College, Deputy Head of College, Operations Manager and Business Manager have a responsibility to:
 - a. Monitor the work, living and learning environment at College to ensure that acceptable standards of conduct are observed at all times,
 - b. Treat all complaints seriously and confidentially and take immediate action to refer the staff member or residents to the relevant policy and procedures.

The Roles and Responsibilities of Staff

1. College staff have a responsibility to:
 - a. Comply with this policy,
 - b. Offer support to anyone who claims that they are experiencing discrimination, harassment, hazing or bullying and let them know where they can get help and advice; and then consult with the DHOC on these reports.
2. Make an assessment of the risk of harm to others and act on it.
 - a. The seriousness of threats against others can usually be assessed against the following criteria:
 - i) Motivation,
 - ii) Recent past history of violence to self or others,
 - iii) A specific plan,
 - iv) Access to means, and
 - v) Knowing how to use them.
 - b. If harm is imminent, then the relevant emergency services should be contacted with all available information ASAP.
 - c. If no harm is imminent, then they are to pass the report on to the DHOC
3. The staff member must assess the source of the report they have been given:
 - a. Any report given by the victim must be treated seriously.
 - b. Any report by a third party ('informants'), such as a report from other residents, friends of residents - of harmful behaviours by a resident to themselves or others or by others will be treated as - "for information only" and it will not lead to any disciplinary action.



Bullying, Harassment, Discrimination and Physical Assault Serious Matter & Critical Incident Procedure & Guidelines
Version: 2nd

- c. Any information provided should be assessed in the light of the detail the 'informant' is able to provide to support the claim, and known information about the possible 'perpetrator'.
- d. Informants should be encouraged to take 'safe action'. There options are:
 - i) The informant may talk directly with the individual about their concerns;
 - ii) The informant should be encouraged to discuss it with the victim and encourage them to see the DHOC.
 - iii) The informant may talk with the DHOC.
 - iv) The informant can be given support in referring the resident to the DHOC.

The Process to be Followed by the Deputy Head of College when Managing the Incident

Step 1: Take a Report

1. Allow the victim to clearly state their version of events,
2. Clarify your understanding of the incident,
3. Ask questions about the incident to clarify what has occurred and to be able to make an assessment of the harm to others.

Step 2: Establish the Resident's Immediate Safety

1. Assess the immediate risks to the resident's safety,
2. If you believe that there is an immediate danger from the alleged perpetrator or an immediate medical or physical emergency:
 - a. Organise for the alleged perpetrator to have alternative accommodation for the time being.
 - b. Ring and report the incident to emergency services, then call ANU Security.
3. Set any necessary guidelines for those involved in the incident. For example, placing restrictions on a Resident's access to areas of the College or other Residents in the College.

Step 3: Provide Information and Access to Possible Areas of Support

The following are possible support services that might be used to support a resident who is a victim of Bullying, Harassment, Hazing, Discrimination or Assault. These should be suggested but not forced onto a resident.

Counselling

1. The College Counsellor or affiliated services
2. ANU Counselling Centre
 - a. If an ANU student attends the Counselling Centre the counsellor will:
 - i) Provide a safe, supportive environment for the student to discuss any concerns,
 - ii) Establish that the student is aware of their options for support provide information as required,
 - iii) Facilitate access to other services according to the student's decisions,
 - iv) Provide ongoing counselling if preferred by the student (within the guidelines of service).
 - b. The ANU Counselling Centre is only available during business hours.
3. Support phone lines, such as Lifeline or Beyond Blue

Medical Support

1. Canberra Hospital
2. The ANU Health Centre



Bullying, Harassment, Discrimination and Physical Assault Serious Matter & Critical Incident Procedure & Guidelines

Version: 2nd

Legal Support

1. The decision to proceed with making a complaint to the Police is the decision of the resident who has alleged the assault.
2. Some residents prefer to go directly to the Police as they are clear that they wish to make a report. If this is the case contact the Australian Federal Police.

Step 4: The College Disciplinary Process (if required)

1. The Disciplinary Process will be carried out according to the College's Resident Behaviour Policy and Procedures.
 - a. This process is not a detailed investigation – that is for the Police to do.
 - b. The role of the process is to confirm the information that has been provided and to make an assessment – did the incident occur as claimed and were there any circumstances that should be considered.
 - c. It is not the intent of the process to find anyone guilty or innocent.
 - d. In any of its disciplinary processes the College does not make a determination that is "beyond reasonable doubt". It makes "a reasonable decision based on the information it has at hand".
2. To provide justice to all parties the aim of the process is to:
 - a. Clarify any information that can be provided by any witnesses that are known and from any CCTV footage.
 - b. Provide an opportunity for the alleged perpetrator to give their version of events.
 - c. Decide on what action the College needs to take against those involved.
3. As the College assessment process is not a detailed Police investigation it is possible that the end result is that the decision is "there is not enough information to justify taking any action". If this occurs the College will seek to find a resolution between the two parties.

Step 5: Notifications

1. Inform the resident that the HOC is required to report any incident that is likely to lead to a Resident being expelled or suspended to DVC (A).
 - a. The HOC will report the incident with no contact or personal identification details.
 - b. The report will be used for statistical purposes and contains only the nature of the incident and the location and date of occurrence.
2. At the end of the process the HOC is required to provide the DVC(A) with a summary of the incident and the College's response to the incident.

Step 6: The College Appeal Process

1. After the decisions of the Disciplinary Process are finalised the victim and the alleged perpetrator have the right to appeal the decisions to the HOC.
2. An appeal can only be made on the following grounds:
 - a. The penalty imposed on the alleged perpetrator are too lenient or too severe. Thus, the decision is not a reasonable conclusion that could be drawn from the known information.
 - b. Parts of the College Policy were not followed and this impacted on the decisions that were made.
 - c. Information about the incident was known to the College and was not considered appropriately.
3. This appeal must be lodged with the HOC within 72 hours (3 business days) of the original decision being handed down.



Bullying, Harassment, Discrimination and Physical Assault Serious Matter & Critical Incident Procedure & Guidelines

Version: 2nd

4. The appeal must be in writing and must specify the grounds of the appeal and provide an explanation that supports their claim.
5. The HOC will not reassess the incident but will consider the grounds of the appeal and the explanation provided in the appeal.

The Roles and Responsibilities of the Deputy Head of College

1. The Deputy Head of College has the responsibility to:
 - a. Inform the HOC of the incident.
 - b. Comply with this policy.
2. To Investigate all critical incidents and serious matters that are reported to them.
 - a. Complaints are to be handled confidentially, promptly and with procedural fairness, and
 - b. Make a risk assessment
 - c. Form a view of whether or not a Resident has to any degree been bullied, Hazed, unlawfully discriminated against or assaulted by any other Resident, and
 - d. The complainant is to receive prompt advice of the outcome of the College investigation.
3. If the DHOC forms the view that there has been an assault, harassment, bullying, hazing or discrimination then they are to commence intervention at Level 3 (see Resident Behaviour Policy) and to impose those sanctions reserved for the most serious breaches of College Policies and Guidelines.
4. Provide support to the Residents involved in the incident by:
 - a. Allocating one or more members of the Pastoral Team to monitor the wellbeing of Residents involved in any critical or serious matter and to receive and assess their reports.
 - b. Managing the wellbeing of the Residents and the respondents.

NB.

 - During working hours, the College Counsellor, external counselling service or the ANU Counselling Centre may be contacted for advice/ support.
 - After hours, advice may be sought from the after-hours Health Services that are listed in Attachment A.
 - ANU Security also has after-hours contact numbers for the Head of ANU Counselling and the ANU Adviser to Staff.

5. Carry out a Disciplinary Process, if required

The Roles and Responsibilities of the Head of College

1. The Head of College is responsible for:
 - a. Ensuring that all members of the Pastoral Team and staff are aware of the appropriate procedures for managing and reporting critical incidents and serious matters.
 - b. Monitoring the process being carried out by the DHOC and assist where needed.
 - c. If the incident is likely to lead to a Resident being expelled or suspended then the HOC is to inform the Deputy Vice Chancellor (Academic) (DVC(A)) in writing of the occurrence the proposed action and later report the outcome of the College processes.

NB.

These reports do not include the names of the parties involved.

 - d. Carry out any appeals that result from the College process.



Bullying, Harassment, Discrimination and Physical Assault Serious Matter & Critical Incident Procedure & Guidelines
Version: 2nd

e. Speak to the Media if needed.

NB.

- The ANU Communication and External Liaison Director should speak to the media if the incident has ANU implications.

2. The HOC will assist Police and University investigations into allegations of assault, harassment, bullying, hazing and/or discrimination at the College, including racial discrimination.

The Recording and Reporting of Serious Matters

1. All serious matters require a formal record. The record is to be supplemented by the notes of the relevant member of the Pastoral Team, if they have been involved, or completed by the member of the Pastoral Team in conjunction with the DHOC.
2. The formal record will be kept on a confidential personal file or a Serious Matters file by the DHOC.
3. The formal record should include information on:
 - a. The nature of the serious incident/complaint,
 - b. The full names of people involved,
 - c. The date with relevant times, and
 - d. All actions taken, including who the incident was reported to.

Attachment A: SUMMARY OF CONTACTS FOR SERIOUS MATTERS

Emergency Services 000	Fire, Police, Ambulance (where there is immediate risk to life and safety of Residents).
ANU Security X 52249	For assistance during emergencies. For assistance with situations where safety may become an issue. For out of hours contact details for Registrar; Director University Accommodation; Head of Counselling; Student 21 access; Director Marketing and Communication etc.
AFP 131444	The Australian Federal Police are on call 24 hours a day.
Canberra Rape Crisis Centre 6247 2525	For counselling and advice on medical and legal issues. They also provide advice of compensation and preparing for court cases. They are open 7 days per week (7.00am to 11.00pm).
Canberra Sexual Health Centre 6244 2184	For advice on sexual Health issues, during business hours.
Canberra Hospital 6244 2222	The switch board is open 24 hours a day.
ANU Counselling Centre X 52442	Contact for assistance with the management of student and staff well-being following critical incidents.
ANU Health Centre 6125 3598	For medical support during business hours.
College Chaplain X56912	The College Chaplain can provide spiritual support and assistance with memorial services if required.
ANU Dean of Students X 54184	Provide advice in the management of harassment, discrimination, bullying, victimisation and vilification incidents.

By accepting a John XXIII College Accommodation Agreement, Resident accepts and agrees to abide by all of the terms and conditions of John XXIII College's Policies and Procedures. Residents should contact the College for further clarification if required.