

# Integrity Unit Investigations

## The Integrity Unit

The Integrity Unit is an independent unit that assesses, investigates, and manages complaints or matters raised about the conduct of members of the UQ community, including staff and students.

The Integrity Unit is responsible for ensuring that the University's legislative obligations under the *Public Interest Disclosure Act 2010* and the *Crime & Corruption Act 2001* are met.

## The Investigation Process

An Integrity Unit investigation is not a part of the Misconduct/Serious Misconduct process as outlined in the University's Enterprise Agreement. Its purpose is to gather facts and information for the University. After the investigation, the University will decide what action, if any, should be taken.

## Trauma Informed Practice

Our dedicated team members apply trauma-informed practices, which ensure that our investigations and interactions prioritise sensitivity and understanding when dealing with individuals who may have experienced trauma or distressing situations.

## Evidence Gathering

The Investigator is required to adopt an inquisitorial approach, and impartially attempt to search for, gather and examine all relevant information and establish the facts. The investigation will consider all relevant evidence from a range of sources including:

- Oral evidence from the parties or witnesses (recollections of direct experiences);
- Documentary evidence (records);
- Expert evidence (technical advice); and
- Site inspections or examination of physical evidence.

## Confidentiality

Confidentiality is critical in an investigation, particularly an evidence-focused investigation into a person's alleged conduct. All parties to an investigation are required to maintain strict confidentiality. Investigations must not be discussed with any other parties, within, or external to, the University, other than a person's support person or representative.

## Timeframes

The timeframes involved in an investigation can vary due to factors such as the number and complexity of the matters raised, the number of interviews and/or sources of information that need to be considered, and the availability of parties involved in the investigation.

Investigations are carried out as expeditiously as possible, however in many cases the investigation will take some time as it goes through the process of gathering and considering all the available evidence.

## Procedural Fairness

The University is committed to the principles of procedural fairness in investigations as they can result in an outcome that affects another person. Any decision affecting a person that has been made without affording procedural fairness is liable to be challenged and set aside.

Procedural fairness may require an Investigator to:

- Inform the person (the Subject Officer) of the substance of any matters raised regarding their conduct;
- Provide a reasonable opportunity for the person to respond to the matters; and
- Make reasonable inquiries and consider all the relevant evidence before making findings.

## Standard of Proof

In administrative investigations, the civil standard of proof applies. This is a lower standard than that required in criminal matters, where matters must be proven beyond a reasonable doubt. This means that matters must be proven according to the balance of probabilities, i.e., it must be more probable than not that the matters are capable of being substantiated.

The High Court case of *Briginshaw v Briginshaw* established that the more serious the allegation and the potential consequence, the stronger and more compelling the evidence must be in order for an allegation to be capable of being substantiated.

## Investigation Outcomes

It is important to note that the Investigator is not the decision-maker in relation to the outcome of an investigation or any subsequent process.

The Investigator will prepare a document (including, for example, the complaint, and/or terms of reference, how the investigation was conducted, relevant evidence, conclusions and findings). The investigation outcome will be provided to the person who has the relevant authority to make any necessary decisions arising out of the investigation.

Any information gathered during an investigation may be used to inform a subsequent Human Resources process; such action is not limited to individuals identified as Subject Officers or to matters listed as alleged conduct in the investigation, and may be initiated at the discretion of the decision-maker.

## Victimisation

In accordance with the University's Complaints Management Procedure, the University does not tolerate any form of victimisation towards persons who have made a complaint or who are associated with a person who has made a complaint. Such behaviours are in breach of UQ's Staff Code of Conduct Policy and Student Code of Conduct Policy and will be dealt with accordingly. Additional protections are also afforded to those who have provided information in relation to or have been involved in the management of a Public Interest Disclosure.

### Complainants

Where necessary, the Complainant will be interviewed in order to gather all the relevant information. Complainants may be asked a number of questions to clarify information and will have an opportunity to ask questions of the Investigator. Complainants are encouraged to speak openly and honestly, and to answer any questions to the best of their ability. In some circumstances, the Complainant may be asked to document their concerns.

A Complainant may withdraw from the complaint process at any time. However, this may not necessarily result in the investigation ceasing as the University may still be required to take appropriate steps to deal with the matters raised.

### Witnesses

Witnesses play an important part in an investigation as they assist the University in establishing the relevant facts of the matter under investigation.

Participation in an investigation is considered as part of a staff member's official duties. Other witnesses who are not University staff or students may decline to participate in an interview, in which case the Investigator must rely on other information or evidence in the investigation process.

Witnesses are expected to provide information that is true and accurate to the best of their knowledge and belief. Witnesses have a right to speak openly and honestly about what they saw or heard, without fear of reprisal.

### Subject Officers

A Subject Officer is a member of the UQ community who is the subject of a complaint or concern which has been assessed as requiring investigation.

A Subject Officer may be asked to attend an interview, and their attendance is considered part of their official duties. Reasonable notice of the investigation interview will be provided, including the date, time, and location, as well as sufficient information to understand the nature of the alleged conduct being investigated.

At the commencement of the interview, the Investigator will explain the interview process. The purpose of the interview is to obtain the Subject Officer's version of events in relation to the alleged conduct, in as much detail as possible. The Subject Officer will be asked a number of questions to clarify information and will have the opportunity to ask questions of the Investigator.

### Support Persons

All parties to an investigation have the right to be accompanied by a support person, or a union representative (for staff members) or advocate (for students).

Staff or students attending an interview are required to notify the Investigator of the identity of their support person in advance. Further information can be found in the *Role of Support Persons & Representatives* [Factsheet](#).

### Accessibility

If any participants in an investigation have accessibility requirements, they should inform the Investigator promptly so that reasonable adjustments can be considered to ensure equitable participation.

### Recording of Interviews

Integrity Unit interviews are electronically recorded to ensure everything that is discussed is accurately captured. Transcripts are prepared, sometimes using a third-party provider. Interview recordings and transcripts are stored confidentially.

### Communication

The Integrity Unit is committed to open and transparent processes. The Investigator will keep the Complainant and Subject Officer informed of the progress of the investigation. They may not be able to be provided with specific information, such as the names of other people being interviewed, however they will be provided with general information about the progress of the investigation.

The Complainant will be informed when the investigation is concluded, and dependent on the nature of the complaint, may be provided with some details about the outcome. The privacy of all parties involved in an investigation is important, therefore information is shared in a careful and considered manner.

The University may be restricted by [The University of Queensland Enterprise Agreement 2021-2026](#), the *Right to Information Act 2009* and the *Privacy Management Policy and Procedures* as to what information it is able to disclose about the outcome of the investigation and any further action taken.

### Information Privacy

Information gathered through the course of an investigation will be documented and may need to be disclosed to other persons, for example:

- As part of the investigation process, including to afford the Subject Officer procedural fairness; and
- Any requirement for the University to release information to other parties via an administrative process or pursuant to the *Right to Information Act 2009*.

### Support

The University recognises that any investigation process is challenging, and encourages all staff or students involved in an investigation to access the support available to them through the University's Employee Assistance Program (for staff members) or Student Services (for students).

### Further Information & Contact

[www.integrity.uq.edu.au](http://www.integrity.uq.edu.au)

[integrity-unit@uq.edu.au](mailto:integrity-unit@uq.edu.au)

### Lodging a Complaint

[www.uq.edu.au/complaints-appeals](http://www.uq.edu.au/complaints-appeals)