

# 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.

Further information about the Integrity Unit and its Terms of Reference can be found at [www.integrity.uq.edu.au](http://www.integrity.uq.edu.au).

## The Investigation Process

An Integrity Unit investigation is a fact-finding process – a search for, gathering and examination of information in order to establish facts.

Integrity Unit investigations are conducted in accordance with the principles of natural justice and in a manner that protects the privacy of all parties involved, subject to any legal disclosure requirements.

## Evidence Gathering

The Investigator will be 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.

## Investigation Outcome

The investigator will prepare a document setting out the complaint and/or terms of reference, how the investigation was conducted, relevant evidence, conclusions, and findings (using the civil standard of proof).

## Next Steps

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

The investigation outcome will be provided to the person who has the relevant authority to make any necessary decisions arising out of the investigation.

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 (1.60.02)* as to what information it is able to disclose about the outcome of the investigation and any further action taken.

## Natural Justice (Procedural Fairness)

The University is committed to the principles of natural justice in investigations as they can result in an outcome that affects another person. Any decision affecting a person that has been made without affording natural justice 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 allegations made against them;
- Provide a reasonable opportunity for the person to respond to the allegations; 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 allegations must be proven beyond a reasonable doubt. This means that allegations must be proven according to the balance of probabilities, i.e., it must be more probable than not that the allegations 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.

## Timeframes

The timeframes involved in an investigation will vary due to factors such as the number and complexity of the allegations, 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. The Investigator will keep both the Complainant and the Subject Officer informed as to the progress of the investigation.

## 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.

## 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 allegation which has been assessed as requiring investigation. Subject Officers will be provided with reasonable notice of the investigation interview, including the date, time, and location they will be required to attend, as well as sufficient information about the conduct being investigated to allow them to understand the nature of the conduct. Participation in an investigation interview is considered as part of a staff member's official duties.

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](#).

## 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.

## 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 natural justice; 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*.

## 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 and next steps. The privacy of all parties involved in an investigation is important, therefore information is shared in a careful and considered manner.

## 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).

If you have any questions about the investigation process, please contact the Integrity Unit on [integrity-unit@uq.edu.au](mailto:integrity-unit@uq.edu.au).