



The Role of a University Witness in a University Investigation – Fact Sheet

This fact sheet provides information to witnesses relied on by the University in investigating a complaint or other confidential matter.

About University Witnesses

1. When the University receives a complaint or becomes aware of inappropriate conduct by its staff, an investigation may commence. The purpose of the investigation is to ascertain what actually happened and then assist the University on managing the matter consistent with its legal obligations.
2. To assist the University in ascertaining what actually has happened, staff who may have seen, heard or have any relevant information about the alleged conduct are interviewed (University witness). These individuals are witnesses and the information and evidence they provide is used by the University for the purposes of its investigation and the ongoing management of the matter.

How will I know if I am a University witness?

3. Most of the matters where the University speaks to witnesses are sensitive and confidential matters. Therefore, DPC treats these issues with discretion and care for the benefit of everyone, including, witnesses involved.
4. If the University needs to speak to you as a University witness, a member of DPC will reach out to schedule a time to discuss the matter. All witness interviews conducted by the University are done separately and not as a group. A University witness can bring a support person to discussions with the DPC staff member if they feel the need to do so. Further details about the matter which the DPC staff member wants to speak to the University witness about will be provided during the discussion. Due to issues of confidentiality and sensitivity, the DPC staff member may only be able to provide limited information about the broader investigation or matter.

What am I required to do if I am a University witness?

5. The most important requirement for a University witness is to speak openly, transparently and honestly about their experiences. The University appreciates recalling information about specific incidents can be challenging and understands that you can forget information or want to correct information provided. Where this happens witnesses can provide additional information after their discussions with DPC and also correct any information provided.
6. If a question is asked and the witness does not know, or is unsure, then the witness should simply state they are unsure or do not know.
7. The DPC staff member may also ask the witness to provide any corresponding evidence which may be available. This may include e-mails which the witness has sent or received, documents or other relevant evidence. The DPC staff member may also take notes during the interview.

University witness in a serious misconduct matter

8. Matters of great concern are managed under the University's 'serious misconduct' pathway outlined in the Enterprise Agreement. A University witness involved in this process will also be required to assist the University by:
 - a. Preparing a written statement outlining their experiences
 - b. Attending a committee of enquiry where they may be asked questions by an independent investigator, the University representative, or the subject (or representative) of the serious misconduct matter.
9. The DPC staff member will advise you if this is the case. In the minority of cases where a University witness is needed for a serious misconduct matter, further information and significant support are provided to the University witness.

What will happen with the information I provide as a University Witness?

10. The information provided by a University witness is used for the purposes of investigating the matter at hand and then managing the matter moving forward. If an investigation report is prepared by the University, the name of the witnesses spoken to, and the evidence provided by the University witnesses will be included in the investigation report. The University investigation report is confidential and, in most circumstances, will be provided to the complainant or the staff member who is subject to a University investigation. A copy of the Investigation report is not provided to University witnesses.

What if I don't want to get anyone in trouble?

11. In some instances, University witnesses can be hesitant in providing information because they do not want someone else to get in trouble. University witnesses are reminded the focus of any University investigation is whether certain conduct or incidents did or did not occur. Staff members who conduct themselves consistent with University values, code of conduct and within what is permitted by University policy and procedure have no reason to be concerned.
12. Importantly, any investigation carried out by the University focuses on being procedurally fair and provides opportunities for staff members subject to the University investigation to provide information and put forward any evidence.

What if I am asked to be a University witness but I do not want to do so?

13. The capacity of the University to deliver excellence in research and education relies exclusively on all staff members being involved and where necessary, speaking up. This includes, being involved as a University witness for the purpose of a University investigation. The University appreciates that being a University witness may involve a certain level of discomfort, but DPC staff members are there to support and provide guidance all through the process.
14. In limited circumstances, the University may also direct a staff member to put forward information as a witness and participate in a University process.
15. The University also has robust victimisation framework which prevents a University witness from being victimised or otherwise being treated inappropriately for reasons of their witness status. DPC takes threats or other forms of victimisation of University witnesses very seriously.



Confidentiality

16. Any discussions with a DPC staff member as a University witness are confidential and there is an expectation and requirement that what is discussed and the fact the discussion has occurred be kept confidential and not discussed or disclosed with other staff members.
17. The University and DPC have legal obligations, including a duty of care, which require us to act when informed of specific issues. Personal information will not be disclosed except where required to manage the complaint, or by law or if there is a serious threat to the health and safety to yourself or others.

Further Information

18. Further information can be found at the following links

<i>Document</i>	<i>Link</i>
Charles Sturt University Enterprise Agreement	Enterprise Agreement
Code of Conduct	Code of Conduct
Complaints Management Policy	Complaints Management Policy
Complaints Procedure – Workplace	Complaints Procedure - Workplace

Where can I get additional support?

19. The University understands that discussing complaints can be difficult. The University encourages complainants to reach out to the University's Employee Assistance Provider (EAP) for support by calling 1300 687 327. The Employee Assistance Program can provide support, counselling and specialist helplines. More information about the EAP services can be found at [Employee Assistance Program](#).

What if I have further questions?

20. If you have further questions or would like to speak to someone then you should reach out to the relevant Division of People and Culture (DPC) staff member who has contacted you or sent you this fact sheet. If you are unsure of who this is, you can send an e-mail to dpccompliance@csu.edu.au and the case manager will get back to you.

Last reviewed: July 2023

