



DUCHESNE COLLEGE

W3 Duchesne College

Child & Youth Protection Policy and Procedures

VISION AND VALUES OF DUCHESNE COLLEGE

Vision

Inspiring personal formation within an inclusive community and an atmosphere of wise freedom.

Values

We seek: "Strength in the Light of Truth", as expressed in our motto: "*Robur in Luce Veritatis*".

- We respect each individual within our community
- We embrace diversity and inclusivity
- We aim for the highest standards in all our undertakings
- We value and promote charity and service
- We are committed to our Vision

INTRODUCTION AND PURPOSE

The purpose of this policy is to provide written processes for the appropriate conduct of Duchesne College employees and students that accord with legislation in Queensland about the care and protection of children.

This policy exists to help protect any resident in or visitor to the College who is under the age of eighteen years ("children" or "youth") and to enable the College to take relevant action.

Compliance with this policy is mandatory for each person working within Duchesne College. All information related to suspected or alleged 'harm' to children or youth must be treated with the utmost confidentiality and all implicated persons must be treated with respect for their privacy and dignity.

This policy operates alongside other related College documents as per the Related Legislation and Documents section of this policy.

SCOPE

This policy applies to all staff, students, council members, visitors and volunteers at Duchesne College. It covers information regarding the reporting of physical, emotional and sexual abuse, as well as neglect, inappropriate behaviour and self-harm.

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For the purpose of this policy, “employees” includes Staff, Resident Leaders, Tutors, Student Club Executive Members, Contractors, Volunteers and students aged eighteen and over.

POLICY STATEMENT

Each child and youth has a right to protection from 'harm'. Duchesne College is committed to the safety and well-being of all children and youth who use its services. As employees of a Catholic Residential College, our staff members are committed to providing young people with a safe and secure environment within which to study and live.

GUIDING PRINCIPLES

Duchesne College will uphold the following principles under this policy:

1. Employees at Duchesne College are expected to reflect the highest standards of care in their behavior towards and relationships with students.
2. Employees of Duchesne College must not, under any circumstances, abuse a student of the College.
3. Because of the authority that exists between an employee and a student, a student cannot “consent” to abuse.
4. Failure to behave in an appropriate manner may result in criminal proceedings and/or disciplinary action, including dismissal of employees and expulsion of students.
5. Protecting students from harm and the risk of harm is fundamental to maximizing their personal and academic potential.
6. Employees of Duchesne College must not, under any circumstances, engage in physical or emotional abuse or engage in sexual conduct of any nature with a student of Duchesne College. It is irrelevant whether or the conduct is consensual or non-consensual, condoned by parents or caregivers. The age of the student is also irrelevant.
7. Duchesne College recognizes that people who are subjected to abuse are harmed by it.
8. At Duchesne College, the welfare and best interests of the students will always be a primary consideration.
9. Duchesne College expects its students to show respect to employees and to comply with safe practices.
10. Duchesne College will respond diligently to a report of suspected or actual harm, or risk of harm to a student.
11. Duchesne College will not tolerate reprisals against students, employees or others making a complaint.
12. At Duchesne College, student management practices will be administered with respect and in a manner which maintains the student’s dignity.
13. Duchesne College will act fairly and reasonably towards an employee or student who is the subject of allegations of improper conduct.
14. Duchesne College will support an employee or student who is the subject of a proven false allegation of causing harm to a student.
15. Duchesne College will take disciplinary action against employees who harm others.
16. Duchesne College will not permit people to continue to work in a position if the College believes, on the basis of all information brought to its attention and otherwise available to the College, that the

allegations against them were wholly or partly true, there would be an unacceptable risk that others might be harmed.

17. Duchesne College will co-operate with state authorities in their investigations relating to allegations of harm.
18. A defense of absolute privilege is available for publishing information contained in a report about sexual abuse given under the obligations of the Education and other Legislation (Student Protection) Amendment Act 2003 ("Student Protection Act").
19. Persons receiving information about abuse or suspected abuse should explain to the informant that the information supplied will be:
 - Confidential, to the extent that this is possible given the need to investigate allegations and requirements of the law; and
 - Victimisation of the informant will not be tolerated.

GUIDELINES

In complying with these principles, Duchesne College will be guided by the following:

Risk Management

For the protection of both employees and students, no employee is permitted to be alone with a student in a room with the door closed, unless both the employee and the student are clearly visible from the outside, e.g. by means of a pane of glass. For the purposes of this requirement, any room so utilized must be subject to regular observation by other persons for the duration of the interaction.

Natural Justice

The principles of Natural Justice will apply to decisions to be made under this policy. The two fundamental principles of Natural Justice are:

- That those making a decision are not biased
- That nobody should be condemned unless they are given prior notice of the allegations against them and they have a fair opportunity of being heard.

Confidentiality

Each person who has access to information regarding suspected or disclosed harm has an obligation to observe appropriate confidentiality. Duchesne College is unable to promise absolute confidentiality since its policies will require disclosing, internally and externally, certain details involved in responding to any complaint. State authorities can compel people to give evidence about actions under the Policy and to produce documents.

Promptness

All steps under this Policy should be carried out promptly. Duchesne College will keep the victim and the alleged perpetrator informed of progress.

Public Relations

The Head of College will ensure that Duchesne College is able to react quickly to allegations of harm so that accurate and relevant information is available for employees, students, their families and the media. The

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Chair of the Duchesne College Council and the Head of College are the only persons permitted to make comment to the media.

Defamation

A person providing information about harm, in good faith to a person who needs to know that information, is generally excused from liability for defamation.

Police Action

It will usually be necessary to wait until the police have decided whether to charge the respondent before taking any internal disciplinary proceedings. If the police do charge the respondent, it will be necessary to wait until the charges have been dealt with in the courts before commencing internal enquiries or disciplinary proceedings. This does not preclude the Head of College from standing down an employee during an investigation. The police are not required to inform Duchesne College about their investigation.

Insurer

Duchesne College is obligated to keep its insurer informed about developments.

STAFF AND STUDENT LEADERS' RESPONSIBILITIES

The Head of College

The Head of College of Duchesne College should not, under any circumstances, caution the alleged victim as to the possible consequences of reporting abuse (e.g. possible break-up of the family unit), especially if the alleged abuser is a family member.

1. On receipt of a report of abuse other than the suspected sexual abuse of a student by an employee referred to in paragraph 3, the Head of College of Duchesne College will carry out a preliminary assessment to determine whether the Head of College reasonably suspects the abuse has occurred.
2. There will be two representatives of Duchesne College present at interviews. In cases of allegations of serious harm, it is best not to interview a student who is a child unless a properly qualified person conducts the interview.
3. If the Head of College of Duchesne College receives a written report about sexual abuse or suspected sexual abuse by another person of a student under 18 years attending the College, the Head of College will immediately provide a copy of the report to the police, and must also give a copy of the report to the Chair of the Duchesne College Council. The Head of College of Duchesne College must, upon becoming aware of all allegations of child sexual abuse, immediately refer them in writing to the police, including those from the past, except where the Head of College is aware that some other person has already made a report of the allegation to Police.
4. The Head of College of Duchesne College will support the child by:
 - Offering pastoral support
 - Offering to arrange professional counselling, if circumstances warrant it, even if any allegation is not yet proved or disproved
 - Treating the child with respect and dignity
 - Being sensitive to the child's needs, feelings and concerns and
 - Maintaining confidentiality, to the degree possible in the circumstances.
5. The Head of College of Duchesne College will contact the child's parents, inform them of the allegations and explain how that Head of College intends to proceed, except where the suspected harm is from people

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outside Duchesne College, in which event the responsibility for informing parents / caregivers rests with the investigating child protection agency official.

6. The Head of College of Duchesne College will stand down an employee if there is an unacceptable risk in leaving the employee in their position.
7. The Head of College of Duchesne College will suspend the enrolment of any student if there is an unacceptable risk in permitting the student to remain at Duchesne College.
8. When a police prosecution relating to the information is completed or if there is no police prosecution, the Head of College of Duchesne College will follow the procedures outlined in the Catholic Church's National Response Protocol (NRP) for investigating and responding to concerns and allegations of child sexual abuse.
9. If the Head of College of Duchesne College believes disciplinary action should be taken against the respondent, the Head of College will initiate that action and ensure that the principles of Natural Justice are observed.
10. Notifications to Queensland College of Teachers (QCT) should the employee have QCT registration.
 - a. The Head of College of Duchesne College who investigates an allegation of harm caused or likely to be caused to a child because of the conduct of a registered teacher must, as soon as practicable after the investigation starts, inform the Queensland College of Teachers (QCT) of the investigation, including the following details:
 - The names of the Head of College, Duchesne College and the relevant registered teacher and
 - Particulars of the allegation, including the date the investigation commenced and other relevant information.
 - b. If the investigation ends for any reason, the Head of College must provide to the QCT, in addition to the details required in sub-section (a) above, the date the investigation ended, the findings of the investigation, the outcome and any reasons for the outcome and, if relevant, the Head of College's decision and reasons for the decision.
 - c. If the Head of College dismisses a teacher in circumstances that, in the opinion of the Head of College, call into question the competency of the teacher to be employed as a teacher, the Head of College must provide to the QCT, in addition to the details required in sub-section (a) above, the date of the notice of dismissal, the effective date of the dismissal and the reasons given by the Head of College for the dismissal.
11. The Head of College of Duchesne College will ensure that the following are undertaken in order to reduce the chance of Abuse occurring:
 - Ensure that each employee who is required to have a blue card to work with children in Queensland has a current positive notice letter issued by the Commissioner for Children and Young People and Child Guardian.
 - Ensure that each employee understands and fulfills their obligations under this Policy
 - Ensure that there is an acceptable reference for each employee engaged since the commencement of this protocol, from their previous employer
12. Endeavour to check regularly on the welfare of under-age students;
13. Inform a student's parents or guardians of any serious concerns they may have with regard to the welfare of their child or youth.

College Staff and Student Leaders

Staff and student leaders (Resident Leaders and Student Club Executive Members) must inform the Head of College;

- If an under-age student is or is suspected of drinking alcohol or taking illegal drugs; and
- if they come across any evidence that an under-age student's welfare is compromised e.g. unusually unhygienic room, always sleeping, any signs of injury or emotional distress.

DEALING WITH ALLEGATIONS OF HARM

Suspicion of Harm

“Reasonable grounds” for suspecting harm exist if:

- A child or young person reports that they have been harmed
- Someone else, for example another child, a parent, or an employee, reports that harm has occurred or is likely to occur
- A child or young person reports that they know of someone who has been harmed (it is possible that they may be referring to themselves)
- Significant changes in the behavior of a child or young person, or the presence of new unexplained and suspicious injuries are a concern
- The harm is observed happening

Any disclosure of harm is important and must be acted upon, regardless of whether:

- The harm to a child or young person has been caused by a person within or outside Duchesne College
- The child or young person disclosing the harm is from within or outside Duchesne College.

It is crucial to have procedures in place so that any disclosure from an adult, child or young person is dealt with efficiently and effectively.

When a Disclosure is made

No investigation of allegations of harm should be undertaken by Duchesne College. Only enough questions should be asked so as to confirm the need to report the matter to the Queensland Police Service. The safety of the child or young person is paramount. Unnecessary questions or interviews could cause distress or confusion and interfere with any subsequent investigation undertaken by the authorities.

To discuss or report an incident involving a child or young person to the Queensland Police Service, contact can be made with the local Child Protection and Investigation Unit through the nearest Police District Communication Centre.

Duchesne College should not:

- Conduct its own investigation to substantiate claims
- Hold its own internal hearing or
- Attempt to mediate a settlement of the matter instead of notifying relevant authorities.

Investigations conducted by Duchesne College could lead to:

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- the destruction of evidence by an accused person
- intimidation of the person disclosing the information, or
- intimidation of the child or young person being harmed (if the disclosure was made by someone else)

NB: When a report is made to the Queensland Police Service, reporting details are kept confidential and the identity of the reporter is strictly protected.

CHILD AND YOUTH PROTECTION PROCEDURES

The Child & Youth Protection Procedures detail the management of complaints and disclosures of harm, including reporting requirements.

PROCEDURES FOR REPORTING ABUSE/HARM

1. A student who becomes aware or reasonably suspects that harm has been caused by anyone to a student of Duchesne College who was under 18 at the time should report it to the Head of College.
2. An employee who becomes aware or reasonably suspects that harm has been caused by anyone to a student of Duchesne College who was under 18 at the time should report it to the Head of College, and keep a written record of the actions taken.

Note: Under S 191 of the Public Health Act 2005, doctors and registered nurses, have an obligation to give notice of harm or likely harm immediately to the Chief Executive, Department of Child Safety, if:

- i. They become aware, or reasonably suspect, during the practice of their profession, that a child has been, is being, or is likely to be, harmed; and
- ii. As far as they are aware, no other doctor or nurse has notified the Chief Executive under the section about the harm or likely harm.

This immediate notice can be given verbally, by fax, by e-mail or by similar means and must then be followed up with written notice within seven days. The notice must include:

- The child's name
- The child's date of birth
- The place or places where the child lives
- The names of the child's parents
- The place or places where the parents live or may be contacted
- Details of the harm or likely harm of which the professional is aware or that the doctor or nurse suspects and
- The doctor or nurse's name, address and telephone number.

The doctor or nurse may seek further information about harm or likely harm to a child before forming a reasonable suspicion about the matter, for example, by consulting with a colleague.

A person who becomes aware of the identity of a person who has notified authorities about harm must not disclose the identity of that person except in the circumstances set out in S 186(2) of the Child Protection Act 1999.

3. The Head of College of Duchesne College, upon receiving a report of harm or suspected harm to a student of Duchesne College and upon becoming aware of the harm having been caused or reasonably suspecting

the harm to have been caused, should report it to the police, and keep a written record of the actions taken.

4. A student who wishes to report behavior by an employee considered by that student to be inappropriate, should report the behavior to the Head of College.
5. A student or employee who wishes to report behavior by the Head of College considered by that student or employee to be inappropriate, should report the behavior to the Chair of the Duchesne College Council.
6. The Head of College, upon receiving a report by a student of inappropriate behavior, should interview the student, the employee named in the report and any other person who may be able to provide useful information. The Head of College should take action on the basis of the report.
7. An employee or student of Duchesne College who becomes aware, or reasonably suspects, in the course of their employment or residency at Duchesne College, that a student under 18 years attending Duchesne College has been Sexually Abused by another person, should immediately give a written report about the Abuse or Suspected Abuse to the Head of College of Duchesne College.
The report must contain the information set out in 11 below. (s 366 of the Education (General Provisions) Act 2006).
8. The Head of College who becomes aware, or reasonably suspects Sexual Abuse should immediately give a copy of the report to a police officer, and must also give a copy of the report to the Chair of the Duchesne College Council. The report must contain the particulars as set out in 11 below.
9. An employee or student of Duchesne College who becomes aware, or reasonably suspects, in the course of their employment or residency at Duchesne College, that a student under 18 years attending Duchesne College is likely to be Sexually Abused by another person, must immediately give a written report about the suspicion to the Head of College of Duchesne College. The report must contain the particulars as set out in 11 below.
10. The Head of College of Duchesne College who becomes aware, or reasonably suspects likely Sexual Abuse must immediately give a written report about the suspicion to a police officer, and must also give a copy of the report to the Chair of the Duchesne College Council. The report must contain the particulars as set out in 11 below.
11. The written report must contain the following particulars:
 - a. The name of the person giving the report (the “first person”)
 - b. The student’s name and sex
 - c. Details of the basis for the first person becoming aware, or reasonably suspecting, that the student has been Sexually Abused
 - d. Details of the abuse or suspected abuse;
 - e. Any of the following information of which the first person is aware:
 - i. The student’s age
 - ii. The identity of the person who has Abused, or is suspected to have Abused, the student
 - iii. The identity of anyone else who may have information about the Abuse or suspected Abuse. (s68A of the Education (General Provisions) Regulation 2006).
12. A person making a report of Abuse or likely Abuse, Sexual or otherwise, is not liable, civilly, criminally or under an administrative process for giving information contained in the report, and the confidentiality of those who notify or harm or risk of harm, is protected.
(Education (General Provisions) Act 2006 ss 366 and 366A; Child Protection Act 1999 ss 22 and 186).
13. The Head of College of Duchesne College must keep the appropriate insurer informed of any report or claim that is advised to the Head of College.

HARM NOT COVERED BY SPECIFIC LEGISLATION

Provisions relating to Bullying, Harassment and Self Harm (with and without suicidal intent) appear in Appendix 1.

Definitions

“Abuse” means activity or deliberate or careless inactivity which causes significant harm, that is to say, any detrimental effect of a significant nature on a person’s physical, psychological or emotional wellbeing. It is immaterial how the harm is caused. The harm can be caused by:

- Physical, psychological or emotional Abuse or neglect
- Sexual Abuse or exploitation.

"Abuse" of children or youth may include neglect and maltreatment, and physical, psychological and sexual abuse of children or youth including grooming. It may include abuse that is facilitated through online platforms, including online grooming and the production, distribution and/or access of child exploitation materials. It may also include exposure of children or youth to family violence.

- Physical abuse refers to any nonaccidental physically aggressive act towards a child. Physical abuse may be intentional or may be the inadvertent result of physical punishment. Physically abusive behaviours include shoving, hitting, slapping, shaking, throwing, punching, biting, burning and kicking;
- Sexual abuse refers to a person who uses power, force or authority to involve a child or young person in any form of sexual activity. This can involve touching or no contact at all. This may take the form of taking sexually explicit photographs or videos of children, forcing children to watch or take part in sexual acts and forcing or coercing children to have sex or engage in sexual acts with other children or adults;
- Neglect refers to a failure by a caregiver to provide the basic requirements for meeting the physical and emotional developmental needs of a child. Physically neglectful behaviours include a failure to provide adequate food, shelter, clothing, supervision, hygiene or medical attention;
- Psychological abuse refers to inappropriate verbal or symbolic acts and a failure to provide adequate non-physical nurture or emotional availability. Psychologically abusive behaviours include rejecting, ignoring, isolating, terrorising, corrupting, verbal abuse and belittlement;
- Exposure to family violence is generally considered to be a form of psychologically abusive behaviour, where a child is present (hearing or seeing) while a parent or sibling is subjected to physical abuse, sexual abuse or psychological maltreatment, or is visually exposed to the damage caused to persons or property by a family member’s violent behaviour; and
- Grooming refers to a pattern of behaviour aimed at engaging a child as a precursor to sexual abuse. It includes establishing a “special” friendship or relationship with the child. Grooming can include the conditioning of parents and other adults to think that the relationship with the child is “normal” and positive. The process can take as little as a few days or as long as months or even years.

“Child” or “Youth” means a person under 18 years of age.

“Employee” includes Staff, Resident Leaders, Tutors, Student Club Executive Members, Contractors, Volunteers and students aged 18 and over.

“Pastoral Care” is emotional support from a person who does not necessarily hold academic qualifications required for professional counseling.

“Sexual Abuse” in relation to a relevant person, includes sexual behavior involving the relevant person and another person in the following circumstances

- a. The other person bribes, coerces, exploits, threatens or is violent toward the relevant person;
- b. The relevant person has less power than the other person;
- c. There is significant disparity between the relevant person and the other person in intellectual capacity or maturity.

“Student” means any person regardless of age who is enrolled at Duchesne College.

HARM NOT COVERED BY SPECIFIC LEGISLATION – APPENDIX 1

Bullying and Harassment

In most cases, harm of this nature is not required to be reported to external authorities, unless it involves criminal behavior or is harm under the definitions supplied in this policy.

Self-Harm

Self-harm may occur with or without suicidal intent, or may be symptomatic of, or associated with, a known medical condition or intellectual disability.

Self-harm with Suicidal Intent

Common risk factors include:

- Previous attempts at suicide (most powerful risk predictor)
- Depression
- Drugs and alcohol abuse
- Conduct disorder
- Disruptive and unsupportive family background
- Relationship conflicts
- Poor coping skills
- Psychiatric illnesses
- Ready availability of lethal means to commit suicide
- Copycat behavior after an incident of self-harm by another person

Other risk factors include:

- Recent bereavement
- Chronic physical illness
- Anniversary phenomenon (of past losses or major life events)
- Early loss experiences
- School failure
- Perfectionism and overachievement as a result of students have high expectations of themselves

Threats of self-harm by a student should be taken seriously and reported to the Duchesne College Head of College immediately.

An employee or student who becomes aware of, or suspects that a student is experiencing significant psychological distress, must report the information to the Head of College.

In the case of an acutely distressed student, the immediate safety of the child is paramount. An employee or student should ensure the immediate safety of the student, arrange for a staff member to be with the student at all times and then report concerns to the Head of College. Employees should note that while it is important to support a student, they should be careful not to substitute support for professional help.

Following a report, the Duchesne College Head of College should meet with the distressed student on the day of the report, and determine an appropriate course of action. In cases of serious concern, the Head of College should notify the student's parents and make arrangements for access to professional assistance.

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Self-Harm Without Suicidal Intent

Not all cases of self-harm relate to suicidal intent. Students may engage in a variety of high risk behaviours, such as alcohol / substance abuse, drug-taking, unsafe promiscuity, cutting/burning oneself.

All Duchesne College employees are expected to act to prevent all high risk behaviours occurring within Duchesne College, and to support any other interventions undertaken to reduce the risk of such behaviours occurring outside Duchesne College. All employees and students of Duchesne College are bound by Duchesne College Alcohol and Drugs Policy.

Employees or students who are aware that a student is engaging in, or is at risk of engaging in, high risk activities, should immediately report their concerns to the Head of College.

Following a report, the Head of College should determine what course of action should occur. Possible actions include:

- Contacting parents/guardians
- Arranging professional assistance
- Contacting the police where appropriate

Self-Harm as a Symptom of a Medical Condition or Intellectual Disability

Where it is known that a student has a propensity to engage in self-harm that is symptomatic or associated with a known medical condition or intellectual disability, the Head of College of Duchesne College, and external treating professionals (where applicable) should devise an individual program of management to prevent or reduce the likelihood of the student engaging in self-harm at Duchesne College.

The program should complement any other management procedures adopted outside the Duchesne College setting to address the self-harm behaviour.

DISSEMINATION OF POLICY

The College will ensure that this policy is disseminated to residents, associates, staff, the College Council and other key stakeholders through:

- Ensuring accessibility to the policy at all times by publishing on the College's website;
- Inform prospective residents, associates, parents/guardians about applicable policies as part of their induction to Duchesne College;
- Ensuring that staff and student leaders have read the policy and acknowledged in writing their agreement to abide by it;
- Informing students about the Policy during O Week, P Week and at other student information sessions.
- The Resident Handbook and Resident Leaders' Handbook includes information on where the policy can be accessed

RELATED LEGISLATION AND DOCUMENTS

Relevant Legislation	Child Protection Act 1999 (Qld) Child Protection Regulation 2000 (Qld) Commission for Children and Young People and Child Guardian Act 2000 (Qld)
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	<p>Commission for Children and Young People and Child Guardian Regulation 2010 (Qld)</p> <p>Education and Training Legislation Amendment Act 2011</p> <p>Education and Care Services National Law (Queensland) Act 2011</p> <p>Education and Care Services National Regulations Education (General Provisions Act) 2006 (Qld)</p> <p>Education (General Provisions) Regulation 2006 (Qld)</p> <p>Education (Queensland College of Teachers) Act 2005 (Qld)</p> <p>Public Health Act 2005 (Qld)</p> <p>Working with Children (Risk Management and Screening) Act 2000</p>
Relevant Industrial Standards and Regulations	Blue cards for working with children
Related Duchesne College Policy Documents	<p>Fair Treatment Policy</p> <p>Resident Handbook</p> <p>Resident Leader Handbook</p> <p>Sexual Misconduct Policy</p> <p>Student Code of Conduct</p> <p>Student Leader Agreement</p> <p>Work Health and Safety Policy</p>
Other (Reference documents and forms)	<p>Towards Healing (Catholic Church in Australia)</p> <p>Integrity in Mission (Catholic Church in Australia)</p> <p>National Catholic Response Protocol</p>

FEEDBACK

College staff, residents, associates, and parents/guardians may provide feedback or inquiries about this policy by emailing: manager@duchesne.uq.edu.au

APPROVAL AND REVIEW DETAILS

Approval and Review	Details
Policy Approval Authority	Chair of College Council
Last Updated	06 July 2021
Annual Review Date	June 2022
Policy Administrator	Head of College