

Grievance Procedures

Section 1 - Purpose and Scope

(1) These procedures are intended to give effect to the uniform implementation of the Grievance Policy .

Section 2 - Procedures

Preliminary

(2) Where the Respondent to a grievance is the Vice Chancellor these procedures will not apply and the matter will be referred to the Chancellor for resolution.

(3) The relevant Executive Member will become involved at Step 1 of this procedure if they are the Complainant's direct supervisor.

(4) In circumstances where a grievance relates to the behaviour of the Supervisor, and the Complainant considers that they are unable to discuss the grievance with them, the Complainant should discuss the grievance with the next level of management.

(5) At any stage in the procedures strategies used to resolve a grievance may include, but need not be limited to, any of the following:

- a. individual or group interviews;
- b. mediation;
- c. counselling services; and
- d. conciliation meetings between the parties.

(6) Where possible, where grievances arise, every effort will be made to resolve the matter at the local level, informally through discussion. Initially, the Complainant may raise their grievance verbally or the Complainant may elect to proceed to Step 1 of these procedures. The following procedure applies for informal discussion:

- a. the Complainant should initiate an informal discussion with their Supervisor in which they raise the areas of concern and outline the grounds for the grievance. The Complainant should also express their desired outcomes. The Supervisor should also address the grievance with a view to resolving it expeditiously, preferably within 2 weeks of receiving the grievance; and
- b. where the Complainant is a student, these discussions should take place with either the Head of School, Course Coordinator or Student Equity Officer, as appropriate.

Step 1

(7) Step 1 may occur after informal discussions under (5) for resolution have failed or may be activated without informal discussion under (5). The following procedures apply:

- a. the Complainant should provide written details of their concerns and the grounds for the grievance, together

with a completed Employee Grievance Report, to their Supervisor or, for students, to their Head of School. The Supervisor or Head of School will initiate an informal meeting with the Complainant to discuss the grievance and come to a full understanding of it. The Supervisor or Head of School may request further information which the Complainant must provide;

- b. the Supervisor or Head of School should address the grievance with a view to resolving it expeditiously, normally within two weeks of receiving the grievance; and
- c. if the grievance remains unresolved, the Complainant can escalate it to Step 2. Escalation to Step 2 will be noted on the Employee Grievance Report by the Supervisor or Head of School. The Employee Grievance Report and all other relevant documents will be provided to the Head of Work Unit or the next level of management. Any notes on the issue, together with the Complainant's and Respondent's written submissions will also be included.

Step 2

(8) Upon receipt of the documentation, the relevant Executive Member will provide the Director, Human Resources with a copy of the grievance and all supporting documents and submissions. The relevant Executive Member will determine, in consultation with HR Services, whether the complaint constitutes a genuine grievance and whether it should be dealt with in accordance with this Policy or some other specific University procedure. Where the complaint relates to unlawful discrimination or sexual harassment, the Director, Human Resources may refer the matter to the Head, Equity and Diversity.

(9) Where it is determined that a grievance is to be dealt with under other specific University procedures (e.g. misconduct, unsatisfactory performance, corrupt conduct or maladministration), the relevant Executive Member will refer the matter to the appropriate University Officer.

(10) If the grievance is not considered to be genuine, the relevant Executive Member may choose not to proceed further with the matter and notify the parties accordingly.

(11) If the grievance is considered to be genuine and appropriately dealt with under this Policy, the relevant Executive Member will investigate the grievance and seek to resolve it.

(12) The relevant Executive Member should attempt to resolve the grievance within two weeks of receiving the grievance.

(13) The relevant Executive Member will document the results of their review of the grievance and if the grievance is resolved the documentation will remain with the Cost Centre.

(14) If the grievance remains unresolved, the Complainant may in writing request the relevant Executive Member to escalate the grievance to Step 3 of these procedures. Upon receipt of the written request from the Complainant, the relevant Executive Member will forward a copy of the documentation to the Vice Chancellor and the Director, Human Resources and Step 3 will be invoked.

Step 3

(15) After giving due consideration to the grievance, the Vice Chancellor may settle the matter by the most appropriate means, including:

- a. referral back to the relevant Executive Member, with advice for its resolution;
- b. further investigation into the matter using an internal or external investigator of the Vice Chancellor's choice for a report back through the Director, Human Resources;
- c. holding interviews ; or
- d. making a determination.

(16) The Vice Chancellor's decision will be final.

Conflict of Interest

(17) A person(s) may disqualify themselves from participating in these procedures should they consider that their involvement would create a conflict of interest.

(18) The Convenor of any meeting is required to ensure that any participant in the processes specified by this Policy has the opportunity to declare whether or not they have a conflict of interest.

(19) Any participant who perceives a possible conflict of interest should report the matter to the relevant Executive Member who shall determine what action is appropriate, and may disqualify a person from participating.

Defamation

(20) Persons making a grievance in good faith, giving evidence as a witness to a grievance, or involved in the mediation or investigation of a grievance would have a defence of qualified privilege in the event of a defamation action.

(21) Qualified privilege means that the person is not liable for a false and defamatory publication if it is made by a person in the discharge of some public or private duty, whether legal or moral in the conduct of his or her own affairs in matters where his or her interests are concerned. Such defence or qualified privilege is lost if it is found that the person making the statement showed malice. Malice can be shown if the person knew the statement was false or was reckless as to its truth or falsity, that the person was actuated predominantly by spite or ill will or that the person introduced extraneous and irrelevant matter into the statement.

(22) A Complainant who raises a grievance in good faith is protected against any action for defamation by the defence of qualified privilege, provided the staff member raises the grievance in accordance with established procedures and does not intentionally make a malicious or substantially frivolous complaint.

Victimisation

(23) Any victimisation of a complainant acting in good faith will be regarded seriously, and should be referred to the Vice Chancellor for appropriate action, and may be dealt with as misconduct or serious misconduct.

Malicious or Frivolous Allegation

(24) A person who makes an allegation, which they have reason to believe to be false, or a person who makes any frivolous allegation, may be subject to the staff disciplinary processes, and the matter may be dealt with as misconduct or serious misconduct.

Confidentiality

(25) There should be limited disclosure of information relating to a grievance to as few people as possible, and only to those who are legitimately involved in the process of resolving the grievance.

(26) Any breaches of confidentiality, careless or otherwise, on the part of any of the parties involved in the resolution of the grievance may be considered as misconduct or serious misconduct and may be subject to further action by the Vice Chancellor.

Record Keeping

(27) On notification of a grievance, the relevant Manager, Course Coordinator or Supervisor is to keep notes on initial discussions and the outcome of Step 1 of the process. If the matter is unresolved at Step 1, the notes are to be

forwarded to the relevant Executive Member.

(28) Where grievances are not resolved at Step 1 of the process, accurate records of all actions are to be maintained and stored in HR Services.

Training

(29) Supervisors, Course Coordinators, Head of Work Units and relevant Executive Members are to participate in appropriate training for handling complaints and grievances.

Alternative Avenues for Lodging Complaints

(30) Members of staff are encouraged to follow the procedures in this Policy and to act in good faith to try and resolve any actual or potential grievance.

(31) Complainants are also encouraged to seek advice from HR Services, the Student Equity Officer or Head, Equity and Diversity in seeking how best to address any issue of particular concern to them.

(32) As a result of that advice, alternative avenues for dispute resolution may be considered and these could include:

- a. protected disclosures under the Protected Disclosures Act, 1994 - refer Southern Cross University Procedures for Handling Potential Protected Disclosures Act Matters, the Internal Reporting Policy, the [NSW Ombudsman](#), the [Independent Commission Against Corruption](#), the [NSW Auditor General](#) or in prescribed circumstances to a member of Parliament or a journalist;
- b. unlawful discrimination, - refer Head, Equity and Diversity, Harassment, Bullying and Discrimination Policy, Australian [Human Rights and Equal Opportunity Commission](#), the NSW Anti-Discrimination Board;
- c. Occupational Health and Safety - refer Occupational Health and Safety Committee representative, Manager, Workplace Health and Safety;
- d. Coffs Harbour Education Campus Cross Sectoral Grievance Procedures; or
- e. Dispute Settling Procedures, Southern Cross University Enterprise Bargaining Agreement.

Status and Details

Status	Historic
Effective Date	13th August 2012
Review Date	13th April 2015
Approval Authority	Vice Chancellor
Approval Date	10th August 2012
Expiry Date	24th September 2012
Head of Work Unit	Kath Drew Director, Human Resources
Enquiries Contact	Kath Drew Director, Human Resources