

Complaint Procedure - Staff

Section 1 - Purpose and Scope

(1) These procedures are intended to give effect to the uniform implementation of the [Complaint Policy - Staff](#).

Section 2 - Procedures

Preliminary

(2) Where the respondent to a complaint is the Vice-Chancellor, these procedures will not apply and the complaint will be referred to the Chancellor for resolution in conjunction with the Director, Human Resources.

(3) These procedures should be read in conjunction with the University's [Complaint Policy - Staff](#).

(4) All informal complaints will be managed by the relevant work unit. HR Services will provide support and advice as requested.

(5) All formal complaints will be managed by HR Services in conjunction with the Head of Work Unit, a relevant Executive member, or Vice-Chancellor as appropriate.

(6) At any stage during the complaint management process, strategies used to resolve a complaint may include, but need not be limited to, any of the following:

- a. individual or group interviews;
- b. mediation;
- c. counselling services;
- d. conciliation meetings between the parties;
- e. investigation; and/or
- f. referral for Disciplinary action.

(7) The University reserves the right to refer a complaint to be dealt with as misconduct or serious misconduct under the University's [Enterprise Agreement](#) as current at the time of the complaint ('[Enterprise Agreement](#)') at any point during the complaint management process.

(8) The University may suspend an employee from duty, with or without pay, at any time during the complaint management process in accordance with the [Enterprise Agreement](#) or the relevant contract of employment.

Definitions

(9) In these procedures 'HR Services Manager' includes the Director, Human Resources, Manager, HR Partnerships, Workplace Relations Advisor and HR Business Partners.

Investigations

(10) Where an investigation is required to resolve a formal complaint, the University has the sole discretion to choose

an appropriate internal or external investigator to undertake the investigation.

(11) Parties to the complaint have the right to nominate witnesses or identify other people who can assist with resolving the complaint.

(12) The investigator will provide a written report including findings and recommendations which may be used by the University to initiate disciplinary action in accordance with the [Enterprise Agreement](#).

(13) The parties to the complaint will be advised of the relevant findings of the investigation.

Informal Complaints

(14) Informal complaints will be dealt with at the work unit level through discussions with the relevant parties, normally within 10 days of the complaint being received. Informal complaints may be made verbally or in writing.

(15) The complainant should initiate an informal discussion with their Supervisor or Head of Work Unit and outline the complaint and the grounds for making it. The complainant should also express their desired outcomes. If the complaint is against their Head of Work Unit, the complainant may initiate the informal discussion with the relevant Executive member.

(16) Where the complainant is a student, these discussions should take place with the Course Coordinator. If the complaint is against the Course Coordinator, then these discussions should take place with the Head of Work Unit.

(17) If further information is required to understand or resolve the complaint, the complainant must provide this information.

(18) If the complaint remains unresolved at the work unit level, the complaint may be referred to the relevant Executive member to make a decision.

(19) Should the complaint be referred, all documentation is to be provided to the relevant Executive member, who may decide to resolve the complaint in accordance with clause 6 above. The Executive member's decision will be final.

(20) If the complaint remains unresolved it may be escalated into a formal complaint.

(21) The outcome of the complaint management process will be advised in writing to all parties to the complaint.

Formal Complaints

(22) Formal complaints should be submitted through the Head of Work Unit, and in instances where the Head of Work Unit is the respondent, to the relevant Executive member.

(23) Formal complaints of harassment, bullying and discrimination concerning the relevant Executive Member should be forwarded directly to the Vice-Chancellor who will liaise with a HR Services Manager to manage the complaint.

(24) Upon receipt of a formal complaint, the Head of Work Unit will provide HR Services with details of the complaint including all supporting documents and submissions.

(25) A HR Services Manager, in consultation with the Head of Work Unit and/or relevant Executive member, will determine whether the complaint is prima facie genuine and whether it should be dealt with in accordance with these procedures or some other specific University procedure such as misconduct or unsatisfactory performance procedures or the [Whistleblowing \(Public Interest Disclosures\) Policy](#).

(26) If the complaint is not considered to be genuine, or the complaint is deemed vexatious or malicious, the Director, Human Resources may choose not to proceed further with the matter and notify the parties accordingly.

(27) If the complaint is considered to be genuine, a HR Services Manager will consult with the Head of Work Unit and/or Executive member to determine how the complaint is to be resolved.

(28) The complainant will be advised, normally within four weeks of the University receiving the complaint, about the manner in which the complaint will be handled.

(29) The results of the complaint management process will be documented by a HR Services Manager. All parties to the complaint will be advised of the outcome in writing.

Disciplinary Action

(30) Where the outcome of the complaint management process is a recommendation that a party is referred for disciplinary action for misconduct or serious misconduct, a HR Services Manager will consult with the Vice-Chancellor.

(31) For employees covered by the [Enterprise Agreement](#), any subsequent action taken by the Vice-Chancellor will be in accordance with the relevant misconduct or serious misconduct procedures in the [Enterprise Agreement](#).

(32) For employees not covered by the [Enterprise Agreement](#), any subsequent action taken by the Vice-Chancellor will be in accordance with the provisions of their Contract of Employment.

Conflict of Interest

(33) Parties to the complaint management process, including those engaged to manage the complaint, must declare if a conflict of interest exists.

(34) Any participant in the complaint management process who perceives a possible conflict of interest should discuss the matter with the Director, Human Resources who will determine what action is appropriate, and may disqualify a person from participating.

(35) Complaints received from previous employees within six months of the conclusion of their employment, may be considered by the University on a case by case basis.

Record Keeping

(36) Records of formal complaints, including all investigation reports, will be maintained by HR Services.

(37) Records of informal complaints resolved at the work unit or at the Executive level, must be maintained by the relevant work units.

(38) Records in relation to complaints must be kept in accordance with the [State Records Act 1998](#). Further information is available from the University's Corporate Records Unit.

Training

(39) Information and training on complaint management principles and these procedures will be provided to University employees as required.

Alternative Avenues for Lodging Complaints

(40) Employees are encouraged to use these procedures initially to resolve a complaint. Complainants are also encouraged to seek advice from HR Services, the Student Equity Officer or Manager, Equity and Inclusion about any issue of concern to them.

(41) Alternative avenues for dispute resolution may be considered and these could include:

- a. A Public Interest Disclosure under the relevant state legislation, 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, - the Director, Human Resources, the Manager, Equity and Inclusion, [Australian Human Rights Commission](#), the NSW Anti-Discrimination Board or the [Queensland Human Rights Commission](#);
- c. Workplace Health and Safety - refer to Manager, Workplace Health and Safety or Workplace Health and Safety representative; and
- d. The Dispute Resolution Procedures of the [Enterprise Agreement](#).

Status and Details

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Effective Date	17th April 2020
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Responsible Executive	Kim Franks Vice President (People and Culture)
Head of Work Unit	Kath Drew Director, Human Resources
Enquiries Contact	HR Services