

Staff Complaints Resolution Policy

Section 1 - Summary

(1) This Policy provides for the fair and prompt handling and resolution of staff complaints.

Section 2 - HESF/ASQA/ESOS Alignment

(2) Nil.

Section 3 - Scope

(3) This Policy applies to all staff of the University.

(4) This Policy applies to all complaints made by staff of the University, except for those matters excluded at clause (5), or Policies that have their own documented review processes. This includes:

- a. Complaints about the behaviour of any person (for example, but not limited to, bullying, discrimination, sexual harassment)
- b. Complaints about the administrative or management practices of the University
- c. Complaints about the application or misapplication of University policy and procedure
- d. Any other complaint not excluded at clause 5

(5) This Policy does not apply to:

- a. Complaints regarding research and potential research misconduct (see [Research Integrity - Guide to the Management of Potential Breaches of the Australian Code Procedure](#));
- b. Complaints about Biosafety matters (see [Biosafety Policy](#));
- c. Complaints about Human Ethics (reported via Human Research Ethics Committee);
- d. Complaints regarding Animal Welfare (see [Animal Welfare Policy](#) and [Animal Welfare Complaints Procedure](#));
- e. Complaints or allegations of fraud or corruption (see [Fraud and Corruption Control Policy](#));
- f. Complaints which are Public Interest Disclosures (see [Public Interest Disclosures Policy](#) and [Public Interest Disclosures Procedure](#));
- g. Complaints regarding OHS matters (see [Health and Safety - OHS Incident Reporting and Investigation Procedure](#));
- h. Complaints made under an Enterprise Agreement or related process to a matter covered by the National Employment Standards;
- i. Complaints regarding the Probation process;
- j. Complaints regarding Academic Promotions (see [Higher Education Academic Promotions Policy](#) and [Higher Education Academic Promotions Procedure](#));
- k. Or any other Policy or Procedure that contains its own review process.

Section 4 - Definitions

(6) Complaint: When a staff member expresses a concern about a work related issue which may include an act, behaviour, decision, situation, omission or problem that the person perceives to be unfair or unjustified; or dissatisfaction about a work situation or a matter which adversely affects their work or work environment.

(7) Complainant

(8) Frivolous complaints: A frivolous complaint is a complaint that is lacking in any substance or merit. Frivolous complaints do not imply an improper motive on behalf of the complainant.

(9) Respondent

(10) Staff

(11) Vexatious Complaints: A vexatious complaint is a complaint with no merit, which is specifically being pursued to harass, annoy or cause financial cost to the University or another person.

(12) Victimization: In the context of this Policy, victimisation refers to the unfavourable treatment of a person as a consequence of their involvement in a complaint.

Section 5 - Policy Statement

(13) VU recognises its responsibility to provide an environment in which all staff are treated fairly and with respect. To this end, the University is committed to maintaining an organisational culture in which staff members' right to seek resolution of a complaint is recognised and supported.

(14) VU encourages open discussion and communication between staff as a means of fostering co-operation and reducing misunderstandings.

(15) Where matters arise which cannot be, or are not appropriate to be, resolved through open dialogue, VU provides a process for staff issues and complaints to be addressed and resolved.

Part A - Complaint Handling Principles

(16) Complaints will be handled in accordance with the following principles:

- a. Mutual obligation: The complaints process assumes and relies upon all parties engaging appropriately, with an open approach to considering reasonable options.
- b. Process:
 - i. All parties to a complaint will be treated fairly, and in a manner that respects their right to an unbiased, timely and transparent process.
 - ii. The decision-maker will declare any perceived or real conflicts of interest to avoid bias.
 - iii. Matters that are not within scope of the complaint will not be taken into account by the decision-maker.
 - iv. All complaints are considered on their merits, on the basis of information relevant to the complaint and any mitigating circumstances.
 - v. Where the complaint concerns the actions of another individual or individuals, respondents have the right to be informed of the allegations and the opportunity to respond.
 - vi. All parties have the opportunity to respond before a decision is made, including the right to respond to statements or material that is to be relied upon in reaching a determination.

- c. **Timeliness:** In the interests of staff health and well-being, every effort will be made to identify an expedient and timely resolution of the issue or complaint.
- d. **Confidentiality:** Appropriate confidentiality must be maintained.
 - i. Only those directly involved in the matter or who have a legitimate need to know, will have access to information regarding the issue or complaint, subject to legal requirements for disclosure.
 - ii. Information arising from the complaint will only be used for the purpose of resolving the complaint and in accordance with this Policy.
- e. **Communication:** All parties to a complaint will be kept informed of the progress of the matter and any actions proposed, and will be informed of the decision/s when established.
- f. **No disadvantage:** A staff member making a complaint will not be disadvantaged simply by virtue of having made the complaint, unless the complaint is found to be vexatious. In particular, a staff member must not be hindered or prevented from continuing to use University services or facilities and attend work as required, simply by virtue of having made the complaint.
 - i. However, a staff member who is the subject of any relevant court order or action precluding them from attending a campus may be excluded or prevented from coming to the University and engaging in their work, unrelated to their status as a complainant.
- g. **Vexatious and frivolous complaints:** The University reserves the right to take appropriate disciplinary action in the event of a complaint that is found to be vexatious. The University may also decline to consider a complaint that is frivolous in nature.
- h. **Right to withdraw:** A staff member has the right to withdraw the complaint at any stage of the process. However, the University retains the right to continue to address complaint matters, even in cases where a complaint has been withdrawn, in order for the University to meet its obligations.
- i. **Right to review and appeal:** Parties to a complaint have the right to have the complaint process reviewed internally. External appeal avenues may also exist depending on the nature of the complaint.

Section 6 - Procedures

(17) [Staff Complaints Resolution Procedure](#)

Status and Details

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Effective Date	23rd July 2020
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Approval Date	23rd July 2020
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Accountable Officer	Lisa Line Deputy Vice-Chancellor Enterprise and Digital Lisa.Line@vu.edu.au
Responsible Officer	Simone Wright Chief Human Resources Officer 9919 5447
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Glossary Terms and Definitions

"Staff" - Staff means: - all employees of the University, on all domestic and offshore locations, including student residences, and while engaged in all work-related activities such as conferences and work-sponsored social occasions; - all contractors and consultants performing work on University sites or on behalf of the University; - visiting academics, honorary, adjunct and exchange staff; - the Council and its committees; and - any volunteer in the workplace and study environment.

"Complainant" - A person who makes a complaint.

"Respondent" - A person about whom a complaint is made.