

Staff Complaints Resolution Procedure

Section 1 - Summary

(1) This Procedure details the methods by which the University will address complaints by its staff.

Section 2 - Scope

(2) This Procedure applies to all complaints made by staff of the University, except for those matters excluded at clause (3). 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 practices of the University
- c. Complaints about the application or misapplication of University policy and procedure
- d. Any other complaint not excluded at clause 3.

(3) This Procedure does not apply to:

- a. Complaints regarding research and potential research misconduct (see Research Misconduct Policy)
- 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 [Anti-Corruption and Fraud Prevention Policy](#))
- f. Complaints which are Protected Disclosures (see [Protected Disclosure Policy](#) and [Protected Disclosure Procedure](#))
- g. Complaints regarding OHS matters (see [Health and Safety - OHS Incident Reporting and Investigation Procedure](#))
- h. Complaints made under an Enterprise Agreement process or relating to a matter covered by the National Employment Standards
- i. Complaints regarding the Probation process

Section 3 - Definitions

(4) 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.

(5) Complainant

(6) 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.

(7) Respondent

(8) Staff

(9) 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.

(10) 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 4 - Policy Statement/Regulation

(11) [Staff Complaints Resolution Policy](#).

Section 5 - Procedures

Part A - Roles and Responsibilities

Role	Responsibilities
Staff	Behaving in accordance with the principles of the Appropriate Workplace Behaviour Policy and all other related policies; Participating in the process whilst maintaining confidentiality at all times regarding issues or complaints being resolved; and Complying with any controls put in place.
Managers and Supervisors	Encouraging and modelling behaviour in accordance with the principles of the Appropriate Workplace Behaviours Policy and all other related policies; Early identification and informal resolution of issues; Where possible, addressing matters before they escalate to formal written complaints; Creating and fostering an environment which promotes dignity, mutual respect, acceptance, cooperation, collaboration and productivity amongst all members; Responding promptly, sensitively in a timely manner and confidentially to all issues and complaints brought to their attention; Liaising with People and Culture to seek advice when required; Ensuring that they remain impartial and maintain confidentiality throughout any resolution process; and Treating all issue and complaints seriously and taking appropriate action in a timely way.
People and Culture representatives	Liaising with Managers/Supervisors to provide support for complaint handling; Appointing facilitators where required; Appointing investigators where required; and Providing information and advice to staff as needed.
Vice-President: People and Culture	Reviewing complaint matters where a party to a complaint has grounds for requesting a review on process grounds.

Part B - General

(12) Staff who wish to make a complaint can do so by following the process detailed in this Procedure.

(13) Not all steps detailed below are appropriate to every matter.

(14) Nothing in this Procedure prevents a staff member from seeking advice from and/or lodging a complaint with relevant external bodies such as the Human Rights Commission, Victoria Police, Fair Work Commission, Fair Work Ombudsman and WorkSafe Australia.

Part C - Local-level / self-resolution

(15) When an issue arises, staff are encouraged to attempt to resolve the issue through informal resolution at an early stage before the issue escalates. Informal resolution does not require lodgement of a complaint in writing.

(16) Staff members may seek to resolve the issue, in the first instance, by talking to the people involved directly. Staff can seek assistance from their supervisor or an independent support person as well as seek advice from appropriate specialist areas.

(17) Staff are encouraged to talk to their manager in the first instance, if this is appropriate in the circumstances, to seek information and support in order to resolve the matter.

(18) The University has Discrimination Harassment and Bullying ("DHB") contact officers that are available to speak with. They can assist by:

- a. Listening empathetically and impartially to staff concerns about matters that may constitute discrimination, harassment or bullying;
- b. Clarifying what types of behaviour may be considered discrimination, harassment and bullying;
- c. Providing information and guidance about the policy and procedures for dealing with discrimination, harassment and bullying concerns;
- d. Exploring and encouraging possible strategies and options by which staff can act to resolve the issue/s themselves.

(19) Staff may also seek support from the Employee Assistance Program (EAP). The EAP is a confidential, externally managed program available at no cost to the employee. Qualified professional consultants may provide assistance to staff by working with them to develop strategies to resolve their issue.

(20) Self-resolution is not a prerequisite for referring matters to a formal resolution process.

Part D - Formal complaint

(21) A formal resolution process should be followed where:

- a. an attempt at self-resolution is unsuccessful;
- b. the matter is inappropriate for self-resolution;
- c. the issue escalates in seriousness; or
- d. one or more of the following are evident:
 - i. serious misconduct;
 - ii. a significant risk to health and safety; and/or
 - iii. one or more parties is resisting resolution.

(22) Formal complaints are commenced when an employee lodges a written complaint with their immediate manager, or, where this is inappropriate, with their manager's manager, or via People and Culture.

(23) Once the matter has been reported, the relevant manager/supervisor should, as soon as is reasonably practical, conduct a preliminary fact-finding inquiry to assess whether:

- a. the matter is a valid complaint; and
- b. if the complaint relates to behaviour, the alleged behaviour is capable of constituting unlawful discrimination, sexual harassment or bullying behaviour. The manager/supervisor should seek advice from People and Culture on the characterisation of the alleged behaviour and the appropriate response (discussed in more detail below), given all the circumstances of the particular case.

(24) Every potential complaint is different and it is therefore important that the University adopts a flexible approach to resolution. Depending on the particular circumstances, the matter may be addressed in one or more of the following ways:

- a. No action where the complaint is found to be frivolous or resolved by dialogue;
- b. Intervention by manager/supervisor;
- c. Facilitated discussions;
- d. Investigation;
- e. Disciplinary action.

(25) The University reserves the right to employ the most appropriate response without being constrained to follow all steps if the nature or seriousness of the matter means that this would be inadvisable or increase risk to individuals or the University.

Intervention by manager/supervisor

(26) Intervention by a supervisor/manager will normally be used in the first, early and/or low-impact stages of a complaint.

(27) Intervention by the relevant manager/supervisor may involve one or more of the following where considered reasonable:

- a. reorganising work tasks or teams on a temporary or permanent basis;
- b. addressing administrative errors or roadblocks causing issues;
- c. restating to the team/organisational unit that discrimination, harassment or bullying is unacceptable and will not be tolerated. This should be done in a way that does not identify the parties or any particulars of the case;
- d. meeting with any alleged respondent to appropriately communicate that behaviours akin to those being alleged are not acceptable and, if occurring, should be stopped immediately;
- e. organising appropriate training/staff development;
- f. suggesting facilitated discussions to the parties (discussed below).

(28) The manager/supervisor should contact People and Culture for advice and assistance before commencing any intervention. Once intervention has commenced, they should inform the complainant of the action taken to resolve the alleged reported behaviour.

(29) The manager/supervisor should review the situation within one month by speaking to the complainant about whether the situation has improved. If the situation has not improved, other methods of resolution should be explored.

Facilitated discussions

(30) Facilitated discussions will generally be employed in cases involving interpersonal conflict, where the parties' relationship is ongoing and/or where the parties appear capable of reaching an agreed outcome.

(31) Facilitated discussions are voluntary processes where, with the help of an experienced neutral person, the parties discuss the complaint/issues, try to find possible solutions and ideally resolve the matter to the mutual satisfaction of

both parties.

(32) The facilitator will be appointed by People and Culture in conjunction with the relevant manager/supervisor.

(33) The facilitator generally determines the process and may meet with the parties separately, together or a combination of both. The role of the facilitator is not to make formal findings about what did, or did not, occur, but rather to assist the parties reach an agreed solution.

(34) The content of facilitated discussions is confidential, although the facilitator will report the outcome to People and Culture and the relevant manager/supervisor.

(35) The manager/supervisor should review the situation within a reasonable period of time by speaking to the complainant about whether the situation has improved. If the situation has not improved, other methods of resolution should be explored.

Investigation

(36) Investigations may be used for complaints relating to:

- a. Serious behavioural matters or matters relating to discrimination, sexual harassment, or bullying
- b. Complex complaints relating to ongoing significant workplace issues.

(37) Where early intervention or facilitated discussion has not resolved the situation or is inappropriate, the complaint/concern may be investigated by an independent (internally or externally appointed) person.

(38) The investigator (internal or external) will be appointed by People and Culture.

(39) In the event that the matter is referred for investigation, the investigator will:

- a. Conduct the investigation with due regard to procedural fairness, timeliness, and the individuals safety and well-being;
- b. Notify the parties of the investigation;
- c. Seek sufficient particulars of the alleged conduct to enable the complaint/concern to be factually investigated;
- d. Provide the respondent with a summary of allegations and/or a statement of the alleged conduct;
- e. Provide the respondent with an opportunity to respond to the complaint and/or alleged conduct;
- f. Interview the parties and, where necessary, any witnesses;
- g. Review any relevant documentation; and
- h. Prepare a report setting out the complaint, how the investigation was conducted, relevant facts, and findings, and present this to the decision maker as well as to People and Culture.

(40) The manager or supervisor will then make a decision based on the investigation report as to whether the complaint is substantiated. They may also make a determination that the complaint is frivolous, vexatious, or lacking in substance. Where the complaint is considered vexatious the University may take discipline action.

(41) The decision, along with a summary of reasons for making the decision and a clear statement of what actions will follow as appropriate, will be provided to the complainant, the respondent/s, and People and Culture.

(42) It is expected that the investigation and decision process will be completed in a timely manner. All parties must be kept informed of progress and expected timeframes.

(43) The actions following the decision that a complaint has been substantiated may include, but are not limited to:

- a. Adjustment to work arrangements, teams or task distribution.
- b. Correction of any identified administrative errors.
- c. Training in the University's policies/procedures and/or codes of conduct.
- d. Disciplinary action under the appropriate staff or student disciplinary procedures.
- e. A direction that processes/procedures be altered or systems of work reviewed.
- f. Further monitoring.

Disciplinary action

(44) The University may, at any stage, initiate a disciplinary process under the appropriate disciplinary procedures where the allegations are sufficiently serious and/or where there are reasonable grounds to demonstrate a case to answer.

(45) The decision to initiate disciplinary action will be made by the delegated officer in conjunction with People and Culture (for employee respondents) or Student Administration (for student respondents), and will be carried out in accordance with the relevant Procedure and/or appropriate industrial instrument.

(46) Where a disciplinary process has already commenced, this may replace the need for additional investigation of the matter as a complaint under this Procedure.

Part E - Review and Appeal

(47) Where a complainant wishes to have the complaints process reviewed, they may request a review by lodging a written request for review with People and Culture within 2 weeks of being advised of the decision.

(48) The Review will be performed by:

- a. the Vice-President: People and Culture or nominee; or
- b. where the Vice-President: People and Culture has had previous involvement in the matter, another member of the Senior Leadership Group nominated by the Vice-Chancellor.

(49) The Review will be conducted in a timely manner and will consider whether the process undertaken was in accordance with the procedure and any legislative requirements.

(50) The Reviewer may:

- a. uphold the original decision without amendment;
- b. uphold the original decision but amend one or more of the outcomes; or
- c. vacate the original decision and refer it back for new investigation.

(51) The Reviewer's decision will be communicated in writing to the complainant.

(52) The Review is the final avenue available within the University. However, complainants may be able to appeal the matter to an external body if applicable (eg Ombudsman Victoria, Fair Work Australia, Equal Opportunity Commissioner).

Section 6 - Guidelines

(53) Nil.

Status and Details

Status	Historic
Effective Date	4th April 2019
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Approval Authority	Vice-Chancellor
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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
Enquiries Contact	Simone Wright Chief Human Resources Officer 9919 5447 <hr/> Portfolio of the Chief Human Resources Officer

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.