

Staff Grievance Process (SGP)

Version: 1.02 Current

Approved: Vice-Chancellor

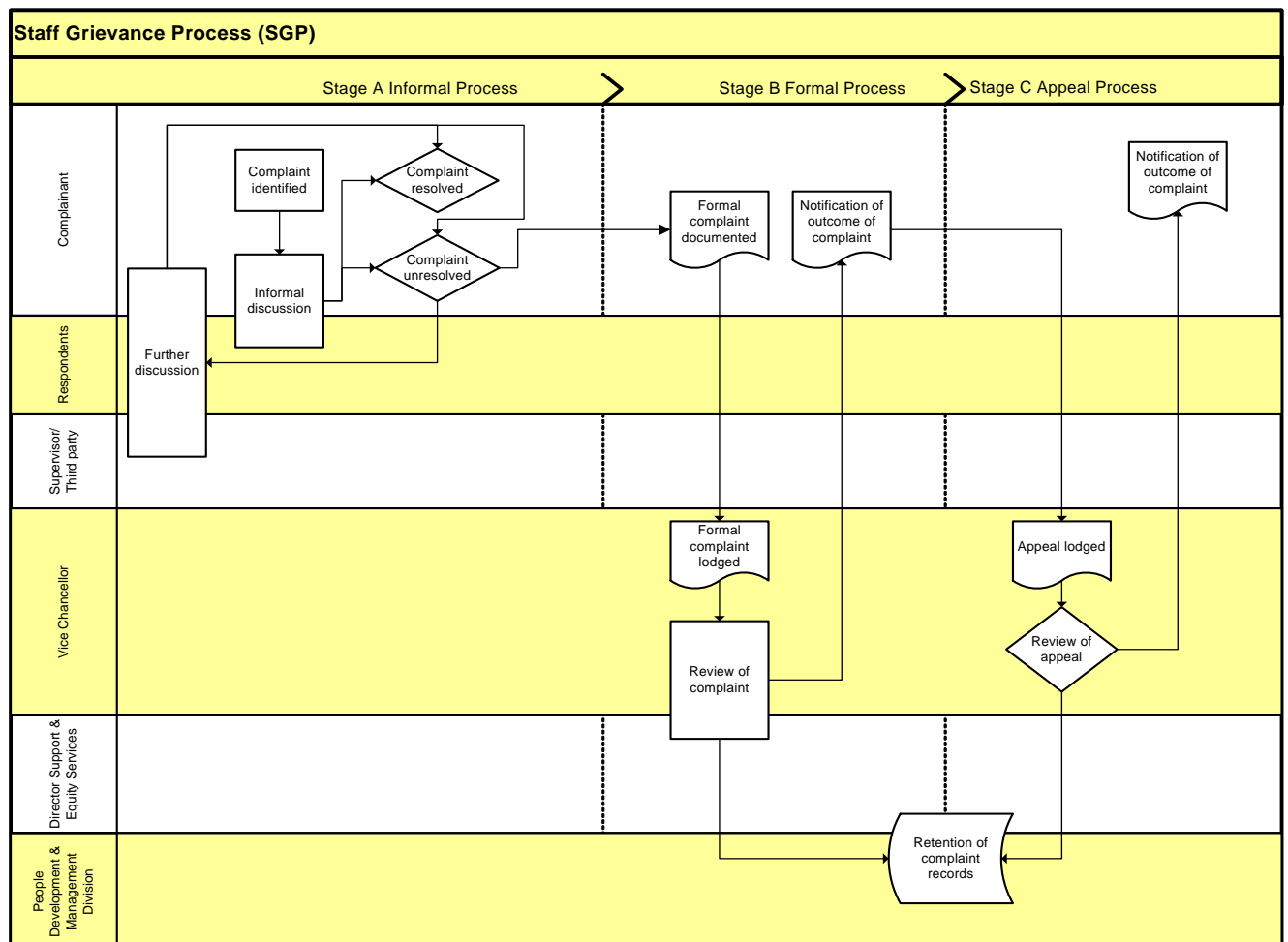
Date Approved: 16 November 2005

Administered: Governance

Next Review: November 2007

No: 08.0.06

Intent:	Attributes
<p>The University is committed to providing a fair, safe and productive work environment where grievances are dealt with sensitively and expeditiously. In developing such an environment it is important that staff feel encouraged to come forward with their grievances in the knowledge that the responsible supervisors will take appropriate action to address those grievances. Unresolved grievances have the potential to grow into major problems that can cause tension, low morale and reduced performance and productivity. The intent of this process is to resolve staff problems in a timely, impartial and confidential way that is mindful of procedural fairness and protects against victimisation.</p>	<p>The essential features of SGP are:</p> <ul style="list-style-type: none"> • A process to resolve staff grievances and disputes; • A commitment to attempt to resolve grievances informally in the first instance; • Availability of advice and support to complainants; • Transparent process with capacity for timely response; • Confidentiality respected. <p>(See Guidelines on Workplace Bullying)</p>

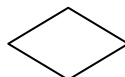


This flow chart shows the key process steps. Boxes that span across horizontal bands indicate joint activity/responsibility

Process



Decision



Document



Stored Data



Stage A: Informal Process		
The informal stage of SGP is where there is an attempt to resolve the grievance informally. Stage A must be engaged in before moving to Stage B of SGP.		
Process Step	Summary of process	Responsibility
Complaint identified	<p>Complaints identified will relate to work-place problems. They may include but are not limited to:</p> <ul style="list-style-type: none"> ➤ Workplace conflict ➤ Failure of a staff member to follow due process ➤ Negligent or improper conduct by a staff member(s) including discrimination, harassment, sexual harassment and bullying, including matters covered by current Equal Opportunity and Health and Safety in the workplace legislation. <p>A grievance does not arise if the subject of the complaint relates to:</p> <p>Appointments and promotion</p> <p>Classification of positions</p> <p>Unsatisfactory performance or serious misconduct (refer to relevant EBA)</p> <p>Note: Dispute resolution processes related to the EBA and AWAs are available within these documents.</p>	Staff complainant
<p>Informal discussion between complainant and respondent</p> <p>Assistance may be sought from Support and Equity Services or through a trained University Conciliator.</p>	<p>The staff complainant makes contact with staff member(s) who are the subject of the complaint (respondent(s) to seek a resolution of the complaint to the mutual satisfaction of parties concerned.</p> <p>Where complainants have been unable to resolve the grievance themselves, they should take the matter up with their immediate supervisor or seek a third party intervention. Where the respondent to the grievance is the supervisor, the staff member should refer the matter to the supervisor's supervisor.</p> <p>In cases of harassment, sexual harassment or bullying the staff member may seek a third party intervention in an attempt to resolve the matter through conciliation. Mediation may also be sought when both parties agree that there is a problem and a request is made for mediation.</p>	<p>Staff Complainant & Respondent(s)</p> <p>Staff Complainant & Head of relevant Administrative or Academic unit.</p> <p>Staff Complainant and Respondent with support from Support & Equity Services or a University trained Conciliator</p>
Stage B: Formal Process		
If a complaint is not resolved through Stage A (Informal Process) a formal complaint may be lodged		
Process Step	Summary of process	Responsibility
Lodging of formal complaint	The relevant complaint form (attached at page 6) should be completed and lodged with the Vice Chancellor	Staff Complainant
Review of complaint	The Vice Chancellor will seek through the services of the Director of Support and Equity	Vice-Chancellor and Director, Support and Equity Services

	<p>Services a resolution to the formal complaint by whatever processes are likely to result in a resolution of the complaint including but not limited to:</p> <ul style="list-style-type: none"> • discussing the complaint with the complainant, • seeking information from the relevant staff member(s) • setting up a Grievance Panel see pages 7-8 <p>The processes followed will give due consideration to the viewpoints of all parties and be conducted as far as possible with due regard for confidentiality.</p> <p>Where a staff member is interviewed they may choose to bring a companion who may be another student, an officer of the relevant Union a University staff member, a family member or another person, but not a lawyer.</p> <p>The staff complainant will be informed of the process by which the complaint is to be addressed and will be kept advised of progress on the matter.</p>	
Outcome of complaint	<p>Where at any time during the handling of the formal complaint the Vice-Chancellor is satisfied that the complaint is</p> <ul style="list-style-type: none"> ➤ Frivolous ➤ Vexatious ➤ Misconceived ➤ Lacking in substance ➤ Out of time ➤ Could be more appropriately dealt with by an external body. <p>The Vice-Chancellor may decline to progress the complaint any further and inform all parties within (5) five working days of this determination.</p> <p>In other cases at the conclusion of the review of the complaint The Vice-Chancellor will advise all parties in writing within (5) five working days of the determination and any related recommendations and/or actions.</p> <p>The complainant may at any time withdraw the formal complaint by writing to the Vice-Chancellor who will inform other relevant parties within (5) five working days of receiving written withdrawal.</p> <p>Normally the review of complaints will be completed as soon as possible and within a time frame not exceeding two months from receipt of the complaint.</p>	Vice-Chancellor

Stage C: Appeals Process

A staff complainant may appeal the outcome of a complaint but only on the basis of failure of process or the availability of new evidence

Process Step	Summary of process	Responsibility
Lodging an Appeal	<p>The staff complainant may appeal a decision made by the Grievance Panel, within 21 days of notice of the outcome of the complaint.</p> <p>An Appeal can only be made on the grounds of:</p> <ul style="list-style-type: none"> ➤ The complaints process not being followed ➤ The availability of additional evidence not available to the Director, Support & Equity Services at the time of pursuing the complaint. 	Staff Complainant and Vice-Chancellor
Review of Appeal	The Vice-Chancellor will review all documentation and processes followed by Grievance Panel. The Vice-Chancellor will respond to the Appeal within 28 days of receipt of the Appeal.	Vice-Chancellor
Unresolved Complaint	<p>If the staff complainant is dissatisfied with the final outcome of the complaint they may refer the matter to an external organisation which depending on the nature of the complaint could include:</p> <ul style="list-style-type: none"> ➤ The Northern Territory Ombudsman ➤ Human Rights and Equal Opportunity Commission ➤ NT Anti Discrimination Commission ➤ The Police ➤ A lawyer 	Staff Complainant
Retention of Complaint Records	Documentation relating to a student complaint will be kept confidential and separate from staff files which will only be noted where a staff member receives a penalty imposed as a result of disciplinary action.	Director Support & Equity Services

CHARLES DARWIN UNIVERSITY

STAFF GRIEVANCE COMPLAINT FORM

NAME:

Your work contact address and contact number

Date:

Nature of complaint (you may continue on a separate sheet):

Informal steps taken to address complaint

The reasonable steps you would like to see taken to resolve the complaint:

Signed.....

Date received:

Person dealing with complaint:

Action Taken (append correspondence where appropriate):.....

Date of Response:

Signed

GRIEVANCE PANEL

A Grievance Panel will comprise a staff representative nominated by the Vice Chancellor, a representative nominated by the complainant and an independent Chair agreed by both parties.

The respondent will be formally advised about the nature of the complaint and the process to be followed. Sufficient detail of the nature of the complaint shall be provided to allow the respondent to send an initial formal reply to the Grievance Panel.

If an independent Chair is not agreed upon within five working days, the Director of Support and Equity Services will request the Vice-Chancellor to appoint an independent Chair.

The Grievance Panel shall meet and consider the information received. The Grievance Panel may interview the complainant and the respondent and then determine:

- (i) whether the grievance can be sent to or back to a Conciliator in the first instance if the informal conciliation/grievance procedures have not been attempted or if the Panel believes that further informal conciliation may still be effective;
- (ii) whether in the opinion of the Panel the complaint is vexatious, frivolous or without merit and if so dismiss it;
- (iii) whether the grievance is proven and make a determination based on the evidence; or
- (iii) whether an investigating officer should be appointed.

The Grievance Panel shall advise the Vice-Chancellor of its decision who will inform the complainant and the respondent.

During the grievance process, only the matters contained in the formal grievance shall be investigated. The formal grievance may be amended by the complainant, with permission of the Grievance Panel at any time prior to the determination of the recommendation of the Grievance Panel to the Vice-Chancellor. Permission will not be given by the Grievance Panel where the amendment would prejudice any party.

Decisions of the Grievance Panel will be determined by a majority of the members.

When appearing before the Grievance Panel the complainant and the respondent may a Conciliator, friend or relative, but not a legal representative accompany each. This person may not address the Grievance Panel. Likewise the Investigating Officer or any other person involved in the grievance process may invite the assistance of an interpreter or any other person approved by the Chair of the Grievance Panel.

INVESTIGATION PROCESS

Where the Grievance Panel's decision is to appoint an Investigating Officer to conduct an investigation of the formal grievance within a time frame set by the Grievance Committee.

An Investigating Officer will be appointed, from within the University community, by the Vice-Chancellor. In some circumstances, an Investigating Officer, may be appointed from outside the University in order to ensure the requisite degree of independence and impartiality.

The Investigating Officer must not have been involved in the decision, act or omission of the University staff member, which is the subject of the formal grievance. It is the obligation of the Investigating Officer to act confidentially, impartially, objectively and to confine the investigation to matters relevant to the grievance.

The Investigating Officer shall complete the Investigation within a reasonable time span, preferably within 21 days of lodgement of the formal grievance. The parties may agree to a greater or lesser time frame for completion.

The Investigating Officer shall, after completion of the investigation, furnish a written report to the Grievance Panel including:

- (i) a record of the action taken to investigate the formal grievance;
- (ii) records of interviews taken;
- (iii) information revealed and facts identified;
- (iv) a recommendation on the complainant's grievance;
- (v) a recommendation on any other action needed to resolve the grievance and to prevent further recurrence of a grievance.

The Grievance Panel upon receiving the Investigating Officer's report shall:

- (i) consider the recommendations of the Investigating Officer, as soon as reasonably possible after receipt of the report;

Staff Grievance Process (SGP)	Version 1.01
Custodian: Director Support & Equity Division	Page 6 of 7

- (ii) determine whether or not further investigations are required, and if so direct an Investigating Officer accordingly; and
- (iii) within a reasonable time limit, preferably five working days of having received the Investigating Officer's report, inform the Vice-Chancellor of their findings and recommend whether any further action is warranted regarding the grievance. It may further recommend ways of ensuring that the complaint does not arise in the future.

The Vice-Chancellor shall formally advise the complainant and respondent of the decision and of the steps, which will be taken to give effect to that decision.

The University shall take all necessary steps to ensure the confidentiality and security of information obtained during the formal grievance process.

The University, through Support and Equity Services, will endeavour to provide adequate support to staff whether they are complainants or respondents on a case-by-case basis whilst complaints are being formally investigated.

Victimisation or harassment of a complainant, as a result of raising an informal or formal grievance, is unacceptable and may lead to disciplinary charges under the relevant awards.

If disciplinary action is to be taken, the Vice-Chancellor has the final authority to take such action against staff in accordance with the relevant Enterprise Bargaining Agreement.

Document History and Version Control

Version Number	Version Date	Authorised Officer	Amendment Details
1.00	16 Nov 2005	Vice-Chancellor	Original conversion to process.
1.01	12 Mar 2007	Executive Director Corporate Services	Insert Page 7 – Grievance Panel dot point: (iii) whether the grievance is proven and make determination based on the evidence
1.02	08 Aug 2007	Manager Governance	Page 1 – Under Attributes insert link to Guidelines to Workplace Bullying document.