

Student Grievances with Staff Process (SGSP)

No 3.1.03

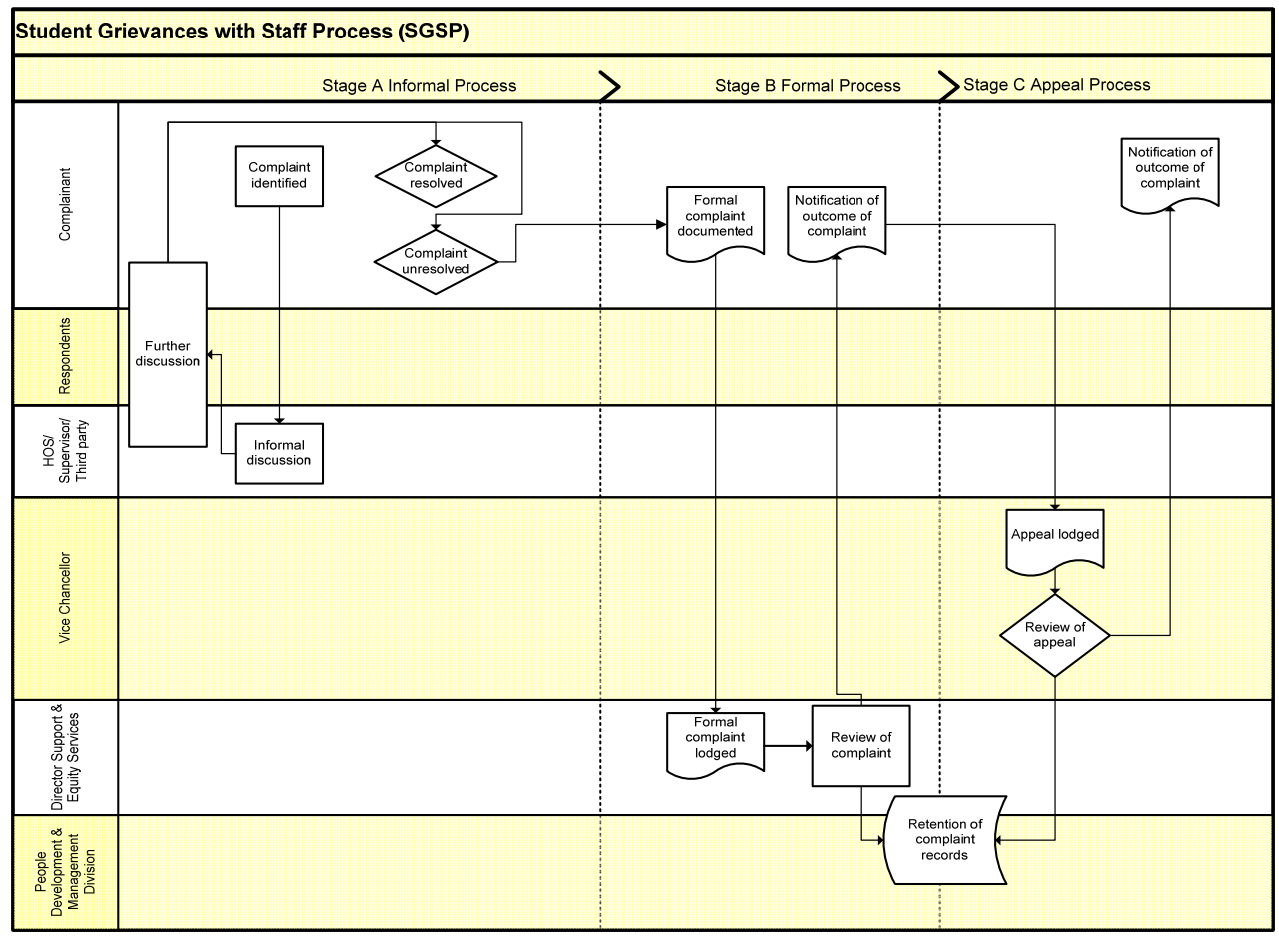
Version: 1.01

Approved: Vice-Chancellor
Date: 20 September 2006

Administered: Governance

Next Review: 20 September 2008

Intent	Attributes
<p>The University is committed to providing a fair, safe and productive study/work environment where grievances are dealt with sensitively and expeditiously. In developing such an environment it is important that students/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 reduce performance and productivity. The intent of this process is to resolve student/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 SGSP are:</p> <ul style="list-style-type: none"> • A process to resolve student grievances with staff • A transparent process with capacity for timely response • Availability of advice and support to complainants • Confidentiality respected



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



Stage A: Complaint and Appeal Process		
The .informal stage of SSGP is where there is an attempt to solve the grievance informally. Stage A must be engaged in before moving to Stage B of SGSP.		
Process Step	Summary of process	Responsibility
Identification of complaint	<p>Complaints identified will relate to student engagement with staff members. They may include but are not limited to:</p> <ul style="list-style-type: none"> ➤ Discrimination ➤ Harassment ➤ 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>Student complaints concerning administrative complaints and appeals are covered by a separate process: <i>Student Administrative Complaints and Appeals Process (SACAP)</i></p> <p>Student complaints concerning academic grievances and appeals are covered by a separate process: <i>Student Academic Grievances, Appeals and Review Process (SAGARP)</i></p>	Student complainant
<p>Informal discussion between complainant and Head of School. Assistance may be sought from the Student Facilitator Counselling and Support through Support and Equity Services.</p> <p>In all cases of sexual harassment should be notified to Support and Equity Services through the Student Facilitator Counselling and Support.</p> <p>Engage in conciliation or mediation to resolve the matter</p>	<p>The student complainant makes contact with the staff member's Head of School / NT Manger or other appropriate supervisor to seek a resolution of the complaint to the mutual satisfaction of the parties concerned.</p> <p>In cases of sexual harassment the complaint should be discussed in the first instance with the Student Facilitator Counselling.</p> <p>In cases of harassment, sexual harassment or bullying it may be appropriate 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>Student Complainant & Head of School or other appropriate supervisor.</p> <p>Student Complainant and Student Facilitator Counselling and Support.</p> <p>Student Complainant, and respondent, Head of School or other appropriate supervisor and a Staff member from Support and Equity services.</p>

Stage B: Formal Review Panel Process		
If a complainant 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 Director, Support and Equity Services.	Student Complainant
Review of complaint	<p>The Director, Support and Equity Services will seek 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 student or staff member is interviewed they may choose to bring a companion who may be another student, staff member, an officer of the relevant Union, a family member or another person, but not a lawyer.</p> <p>The student complainant will be informed of the process by which the complaint is to be addressed and advised of progress on the matter.</p>	Director, Support & Equity Services
Outcome of complaint	<p>Where at any time during the handling of the formal complaint the Director, Support and Equity Services 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 Director, Support and Equity Service 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 Director, Support and Equity Services will advise all parties in writing within (5) five working days</p>	Director, Support & Equity Services
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	<p>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 Director, Support and Equity Services will inform other relevant parties within (5) five 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>	
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Stage C: Appeals Process

A student 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 student 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 and Equity Services at the time of pursuing the complaint 	Student Complainant and Vice Chancellor
Review of Appeal	The Vice Chancellor will review all documentation and processes followed by the 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 student 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 	Student Complainant

CHARLES DARWIN UNIVERSITY

STUDENT GRIEVANCE COMPLAINT FORM

Your full name:

Your contact address:

Your telephone number (if any):

Your e-mail address (if any):

Date:

Course/Year:

Student No.

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

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Informal steps taken to address complaint:

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

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Signed:

Date received:
Date of Review Panel hearing:
Outcome of Review Hearing
Student notified on
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 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 bring a Conciliator, friend or relative, but not a legal representative. 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;

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Document History and Version Control			
Version	Date Approved	Approved by	Comment
1.00	20 September 2006	Vice Chancellor	Original conversion to process
1.01	24 October 2007	Vice Chancellor	Add NT Manager in line with new VET structure (Page 2, The student complainantHead of School / NT Manager