

Name of Policy	Staff Grievance Management Policy
Description of Policy	<p>This Policy outlines the principles underpinning the management of staff grievances at the University and the processes associated with raising and dealing with a grievance.</p> <p>It is to be read in conjunction with the Grievance Management Guidelines for Supervisors and the Policy on the University Visitor.</p>
<input type="checkbox"/> New Policy	<input checked="" type="checkbox"/> Revision
Description of Revision	

Human Resources Directorate

Policy and Revision Number	
Original Effective Date	
Review Due Date	
Revision Effective Date	
Senate Approval Date	
Vice Chancellor's Approval Date	June 2008

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1. Introduction

In line with its Mission, the University seeks to promote and maintain, as far as practicable, an open and supportive working environment that allows staff to carry out their work activities, confident that the dignity of their calling as employees is supported by just and equitable processes for the management of workplace grievances.

2. Background

The University is committed to ensuring that the workplace is safe and free from harassment and discrimination and where staff are treated with dignity and integrity. Acknowledging that, at times, situations may arise that a member of staff finds unacceptable, this Policy outlines the actions that can be taken to remedy these situations. The aim is to have such situations dealt with fairly and quickly so as to avoid having them escalate into an intractable grievance.

3. Definitions

- 3.1 Confidentiality** means attempting to limit disclosure of information relating to a matter to as few people as practical, and normally only to those who have a need to know as determined by the University.
- 3.2 Executive Staff Member** includes Deans, Campus Deans and Directors and shall be defined by the Vice-Chancellor from time to time and shall include Executive Dean, Faculty of Arts and Sciences, Executive Dean, Faculty of Education, Executive Dean, Faculty of Health Sciences, Deputy Vice-Chancellor (Student Learning and Teaching), Campus Dean, Aquinas Campus, Campus Dean, Signadou Campus, Academic Registrar, Director, ACUcom, Director, Finance, Director, Information Technology, Director, International Education, Director, Libraries, Director, Marketing and External Relations and Director, Human Resources.
- 3.3 A Grievance** means a complaint from a staff member concerning treatment in a particular workplace that is inequitable or procedurally unfair or a complaint that arises from perceived personal concerns relating to one or more work-related interpersonal relationships. If more than one staff member raises the same or substantially similar grievance(s), then each grievant will be managed separately.
- 3.4 The Grievance Receiver** is normally the nominated supervisor, although in a small number of cases it may be an Executive Staff Member.
- 3.5 A Grievant** is a person who has initiated one or more grievances. If a staff member initiates more than one grievance, each grievance will usually be managed separately.
- 3.6 A Nominated Supervisor** is a member of staff who is formally assigned the responsibility of supervising one or more staff or a group of staff.
- 3.7 A Religious Member of the University** is any member of a Congregation whose services are subject to the terms of a Deed of Agreement between the University and the Congregation for the provision of services, and who is consequently involved in the life of the University, and a diocesan priest whose services are provided in agreement with the local Bishop.
- 3.8 The Respondent** is a person against whom a grievance has been initiated under this policy.
- 3.9 The University** means Australian Catholic University Limited (ACU) (A.B.N. 15 050 192 660).
- 3.10 University Visitor** means the position established by the University and undertaken by a person external to the University who may review relevant matters, as specified in policy, referred to her/him by an eligible member of staff.
- 3.11 Vice-Chancellor** means the Chief Executive Officer of the University.

3.12 **Victimisation** includes any unfavourable treatment of a person as a consequence of her/his involvement in a duly notified bona fide grievance. Unfavourable treatment might include such things as adverse changes to a person's working environment, denial of an entitlement or opportunity, or calculatedly being ignored or neglected.

4. Application of the Policy

This Policy and its associated Guidelines apply to all staff of the University (including Religious Members of the University) in relation to work-related issues. However, this Policy and its associated Guidelines will not apply:

- where alternative processes exist under any enterprise agreements or awards or other industrial instruments;
- in relation to formal appeal processes (eg promotion appeals); or
- in circumstances where the University determines that other processes should be followed because of the nature of the grievance.

5. Statement of Intent

This Policy does not form part of an employee's contract of employment.

This Policy and its associated Guidelines are a statement of how the University proposes generally to deal with certain grievances in an attempt to avoid problems developing into intractable grievances that carry the potential to create workplace tension, low morale and reduced workplace effectiveness.

In dealing with grievances, it is necessary to be flexible and sometimes it may not be appropriate to follow this Policy or the associated Guidelines without modification. Further, the University may amend this Policy and its associated Guidelines from time to time as it considers necessary.

It may not be possible to resolve a grievance in all cases to the satisfaction of the parties concerned at any stage in the process or, in some cases, at all. It is hoped, however that in the majority of cases, prompt conclusion will be possible locally.

For the process to operate justly and equitably, the precise nature of, and basis for, the grievance must be made clear before it can be managed through the processes in this Policy.

6. Principles underpinning the Grievance Management Process

6.1 Grievance management is a process internal to the University and does not normally involve persons from outside the University. Most grievances in the workplace can be settled informally.

6.2 For their part, and in appropriate cases wherever practicable, staff of the University have the responsibility of supporting the grievance management process and assisting to address problems in the workplace.

6.3 Any staff member the subject of, or associated with, any grievance is required to participate in actions taken under this Policy with a view to addressing the matter promptly.

6.4 No person should be subject to victimisation (as defined in this Policy) because they raise or are associated with a bona fide grievance.

6.5 Reasonable efforts should be made to maintain appropriate confidentiality (as defined in this Policy) by all parties during the grievance management process – see **Section 8.1**.

6.6 Where appropriate, a staff member who lodges a grievance may be supported and assisted by a work colleague (excluding those officers listed in Section 7 below) during the process of managing a grievance.

- 6.7** In appropriate cases wherever practicable, the emphasis of the grievance management process is on attempting resolution of grievances directly between the parties concerned.
- 6.8** If a grievance has been fully investigated and not upheld, or is formally withdrawn in writing during the course of the grievance management process, the matter cannot normally be raised again unless it involves new information or a separate incident.

7. Advice and Assistance

Before raising a grievance, a staff member may wish to obtain information, advice or support from a person of their choosing providing that person is not a practising barrister or solicitor. Similarly, a person mentioned in a grievance might also want to obtain information, advice or support. In addition to the staff member's nominated supervisor, other University officers able to provide some guidance and advice by way of clarification of process matters to either a grievant or a respondent include:

- Human Resources Consultant
- Manager, Employee Relations
- Manager, Equal Opportunity
- Campus Minister
- Staff may also obtain advice and assistance from a person of the staff member's choosing, providing that person is not currently a practicing barrister or solicitor.

8. Confidentiality/Victimisation/Malicious or Vexatious Complaints

8.1 Confidentiality

Appropriate confidentiality is important to the effective management of the process for resolving grievances.

All persons involved in a grievance or in the resolution of a grievance should ensure that information concerning the matter is treated with an appropriate degree of confidentiality. To this end, persons involved in a grievance may be asked to complete a confidentiality undertaking in the terms set out in Attachment 2 (or any amended terms in place from time to time).

Of course, these confidentiality obligations do not preclude the disclosure of information in the context of the grievance management process to, among others, the respondent, witnesses or University officers, other than the relevant line manager, who provide specialised assistance or advice (see **Section 7**). In addition, if a grievance is raised, the University may not be able to ensure confidentiality where, for example, information may need to be disclosed if:

- harm to a person might occur due to inaction;
- disciplinary action or criminal investigation might be necessary; or,
- a question of liability might be raised.

8.2 Victimisation

Victimisation (as defined in this Policy) of a person involved in a grievance is unacceptable and will lead to consideration of formal disciplinary action being taken by the University against a person found to be victimising a party to a grievance.

8.3 Malicious or Vexatious Complaints

Complaints that are found not to be bona fide (eg, that are frivolous, vexatious or malicious) are likely to constitute misconduct in which case, they would be dealt with accordingly. A staff member who intentionally makes what is subsequently found to be a complaint that is not bona fide may be subjected to appropriate disciplinary action in accordance with the University disciplinary procedures. Also, staff members who intentionally mislead or frustrate any grievance investigation may be subject to disciplinary action.

9. Documentation

Appropriate documentation relating to grievance investigations will usually be kept by the University.

10. Roles and Responsibilities of the Parties to a Grievance

The grievance receiver, the grievant and the respondent are expected to behave ethically and temperately, and conscientiously uphold all outcomes of the grievance management process (including any agreed resolution strategies).

10.1 Nominated Supervisor

Grievance management is a part of the normal line management role and nominated supervisors have the responsibility, wherever possible, of preventing, identifying and redressing problems in the workplace. They have a day-to-day responsibility to listen to and, where appropriate, address the concerns of staff, answer staff questions, provide information and problem-solve. As the officer primarily responsible for dealing with a grievance, the nominated supervisor should, in appropriate circumstances, act as quickly as practicable to address the matter, once identified or brought to notice.

Problems that are raised as a grievance may also affect other people in the University. The nominated supervisor should address individual grievances and also take appropriate action to, where possible, resolve any underlying problems that currently are or may subsequently impact on other staff. Where the nominated supervisor believes that she/he has a real or potential conflict of interest with the grievant or respondent, the grievance should be referred to her/his nominated supervisor for action. Where appropriate, the nominated supervisor should also consult other members of staff during the grievance management process.

10.2 Grievant Receiver

Managing a grievance will vary from case to case depending upon the nature of the grievance. In the judgement of the grievance receiver, some grievances may raise issues concerning disciplinary action, criminal investigation, harm to another person or actions of staff for which the University may be vicariously responsible. It is important to identify such issues as soon as a grievance is raised and in such circumstances, the grievance receiver, after informing the grievant, should discuss the matter with a more senior University officer (normally the supervisor's nominated supervisor).

Where a grievance raises issues of discipline, the University (in its discretion) may terminate or suspend the grievance investigation (whether formal or informal) to allow the matter to be dealt with under the appropriate disciplinary procedure for academic or general staff. If there are parts of the grievance which are not affected by the disciplinary process, it may be decided (after discussion with the relevant senior University officer) to manage these parts separately, in which case they would continue to be dealt with in accordance with this Policy.

10.3 Grievant

The Grievant, as the staff member raising the grievance, should if they feel able to do so, first try to resolve the grievance directly at the local level with the respondent in a professional and non-adversarial manner. A staff member with a grievance should first consider her/his options for dealing with the grievance. She/he should consider:

- addressing it herself/himself; or,
- bringing it to the attention of her/his nominated supervisor or her/his nominated supervisor's supervisor.

Where a grievant has been unsuccessful in addressing the grievance herself/himself or the nature of the grievance is such that it is impractical to do so, the grievant should follow the process set out in the Guidelines.

If a grievant wishes to notify one or more grievance(s), the person's grievances should usually be addressed separately.

If more than one person notifies the same or substantively similar grievance(s), each grievance must be addressed separately.

10.4 Respondent

The Respondent, as the person against whom the grievance is made, is expected (as is the grievant) to support the grievance management process with a view to achieving an appropriate conclusion of the matter. She/he may take appropriate advice and counsel in an attempt to understand the substance of the grievance and support all reasonable efforts at resolution.

At any time, while trying to settle the grievance, a respondent may seek advice or support from one of the persons identified in **Section 7** whom they feel is in a position to provide such advice or support.

11. The Grievance Management Process

There are a number of general phases in the grievance management process. Grievance management, however, is not formula-driven as issues and matters of concern will vary widely. As a result, it is important to maintain flexibility in carrying out the grievance management process. The following steps are generally indicative of the grievance management process in operation:

- Emergence of a grievance
- Receipt or reporting of a grievance
- Managing a grievance
- Investigation
- Mediation
- Concluding a grievance
- Reviewing a grievance outcome
- Appropriately dealing with grievance management related documentation

These general steps in the grievance management process are outlined in Attachment 1. Some grievances may need to be dealt with under specific processes prescribed elsewhere – eg in an enterprise agreement.

12. Review of the Outcome of a Grievance Management Process

Where the application of the processes in this Policy by a person managing a grievance produces an outcome which the grievant or respondent does not regard as satisfactory, she/he may request that the grievance be referred to the relevant University Executive staff member responsible for the unit in which the staff member works for review and consideration of possible further action.

The relevant University Executive staff member (or an appropriate designate) will review the outcome of the grievance procedure and may endorse the outcome of that procedure or decide upon another outcome, including deciding that no further action would be appropriate. The relevant University Executive staff member must advise the grievant and the respondent of the determination in writing as soon as practicable after the review is completed.

In certain circumstances, the grievant may be able to seek a review of the relevant University Executive staff member's decision by the University Visitor.

13. Preservation of other avenues of complaint

While staff are encouraged to resolve any concerns or grievances they may have arising from their status as member of staff of the University in accordance with this Policy, nothing in this Policy derogates from the right of a staff member to access any other complaint or appeal mechanism available to them as legislated in the relevant State, Territory or under Federal

legislation. If any external process is initiated, the internal grievance resolution process may, in the discretion of the nominated supervisor to whom the original complaint was made, be terminated.

14. External Reporting of a Grievance

A person who has raised a grievance at the University should inform the person who is managing the grievance, in writing, if the same matter has been or is to be raised with a body external to the University. In such circumstances, the internal grievance management process may cease (temporarily or permanently). In some cases there may be part(s) of the grievance which can or must continue to be addressed internally, in which case these will be dealt with under this Policy and processed as expeditiously as possible.

15. Further Assistance

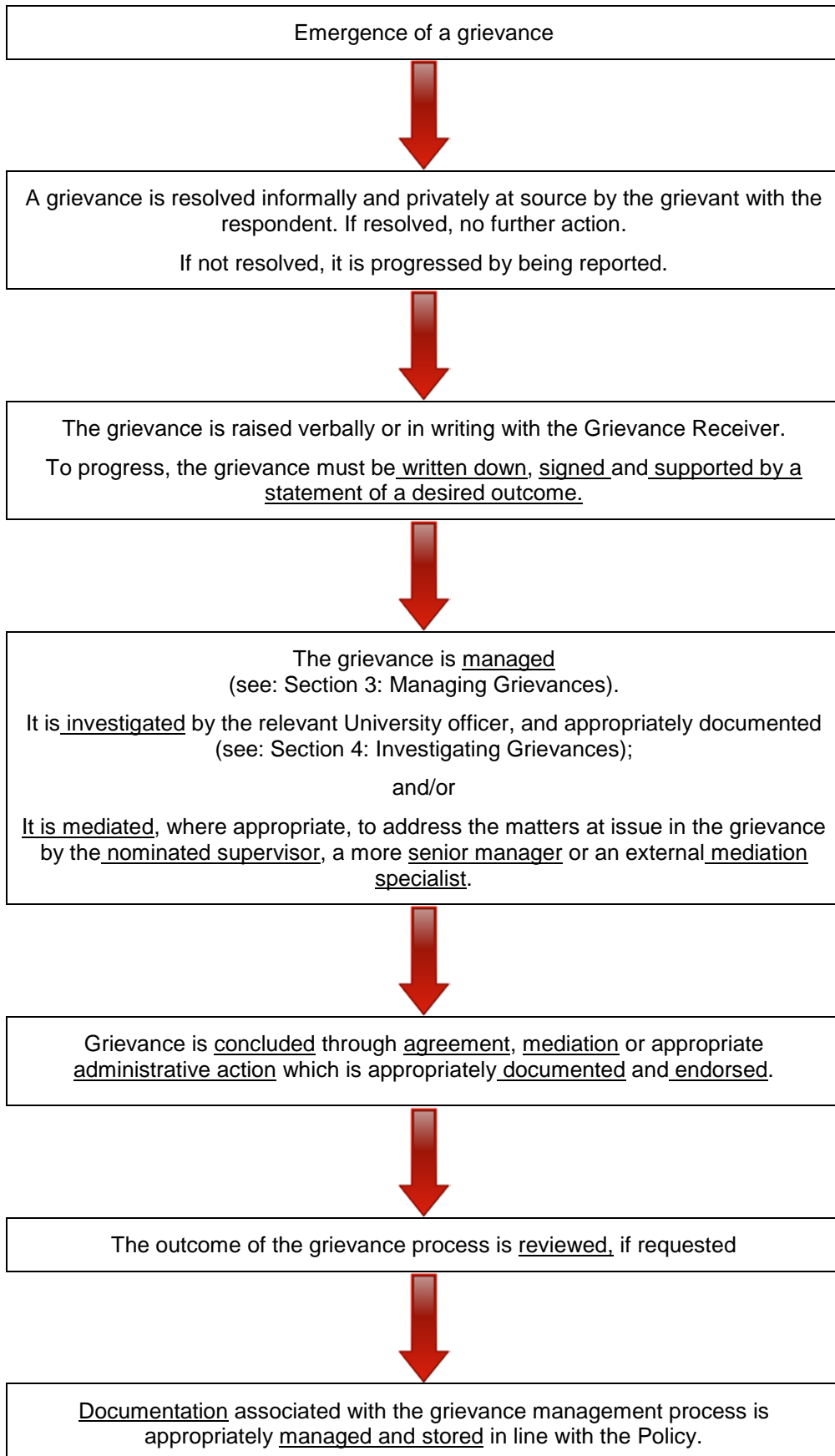
Any staff member who requires assistance in understanding the Grievance Management Policy should first consult her/his nominated supervisor. Should further advice be needed, she/he should contact the Human Resources Consultant responsible for her/his campus.

16. Policy Review

The University may make changes to this Policy and the associated Guidelines from time to time to improve the effectiveness of its operation or otherwise. In this regard, any staff member who wishes to make comments about the Grievance Management Policy may forward suggestions to the Director, Human Resources.

Attachment 1 – Steps in the Grievance Management Process

Steps in Grievance Management



Attachment 2 – Confidentiality Agreement

*A Confidentiality Agreement must be obtained from each party to a grievance.
Please indicate below the relevant party to this Agreement.*

CONFIDENTIALITY AGREEMENT	Grievant	Respondent
	Witness	Observer

A significant aspect of managing grievances/complaints at ACU is the issue of confidentiality. The following sets out the process for undertaking an enquiry/investigation into an alleged grievance under the ACU Student Grievance Management Policy or Staff Grievance Management Policy and asks you to commit to this Confidentiality Agreement

Please read the document carefully. You are invited to ask any questions you may have prior to signing it. You will be provided with a copy of this document.

1. This is an enquiry/investigation into an alleged grievance/complaint at Australian Catholic University. If you are the **Grievant, Respondent or Witness**, you may bring a support person (observer) with you to the interview. (If you are the **Observer** (support person) your role is to observe the interview only.) The interview can be halted at any time if you wish to take a break and reconvene at a later time.
2. Your co-operation in establishing the circumstances surrounding the matter is fundamental to the grievance/complaint process of natural justice. Therefore your full and truthful witness is sought.
3. **Appropriate confidentiality must be observed by all parties involved.** This means that there must be no discussion by you with other people about the facts or substance of the details of interview or the allegations. Discussions with health, legal or other advisers or nominated senior officers of Australian Catholic University are permitted if you clearly state to those involved that all such discussions are confidential.
4. Breach of confidentiality would be viewed seriously by the University and may result in disciplinary action.
5. Untruthful or dishonest conduct in relation to any grievance/complaint, or conduct that could give rise to an allegation of victimisation by any other person involved in the grievance / complaint process, would be viewed seriously by the University and may result in disciplinary action.
6. Concise notes will be taken at any interview and a copy provided to you after the interview. A sign-off will then be requested that the notes reflect a true and accurate record of interview. You will have the opportunity to clarify the contents of such notes if this is necessary, prior to signing them.

Confidentiality Agreement

I have read and understand the above.

I agree to observe the protocols outlined and maintain confidentiality.

Name (please print)

Course/Work Unit	Contact Tel.
Signature	Date
Witnessed by	Date