Staff Complaints Management Policy

Section 1 - Background Information

(1) In line with the ACU Mission, Identity and Values which expresses a fundamental concern for the dignity of all human beings, this Policy seeks to develop a supportive workplace with policies and procedures that provide a clear statement of the University's expectations of its staff, including with respect to conduct that may constitute a breach of the University's workplace policies, including, but not limited to, the Code of Conduct for Staff.

Section 2 - Policy Statement

(2) All Staff have the right to work in a safe working environment and to be treated with dignity and respect.

(3) The University provides procedures through which staff can have a workplace complaint addressed.

(4) All staff members have a right to use the procedures in this Policy if they believe they have a legitimate complaint that can be dealt with under this Policy.

Section 3 - Policy Purpose

(5) The purpose of this Policy is to guide the University's approach to managing workplace concerns or complaints.

Section 4 - Application of Policy

(6) This Policy applies to all staff members, including Religious Staff Members. Nothing in this Policy limits the rights of a staff member to make a Protected Disclosure in accordance with the Protected Disclosures Policy.

Section 5 - Workplace Complaints: Principles and Procedures

What is a Workplace Complaint?

(7) A Workplace Complaint means a complaint from a staff member about a problem, concern or grievance about work or the workplace. It may be about treatment in the workplace that is perceived to be inequitable or procedurally unfair; or a complaint that arises from perceived personal concerns relating to one or more work-related interpersonal relationships.

(8) Complaints must relate to University matters, which includes work-related activities and functions. A complaint can be made against another staff member (including peers, subordinates or managers) or another person the staff member is dealing with in the course of their work. Where the respondent is not a staff member of the University, the

University may refer the matter to the respondent's employer or another relevant body / agency. Common complaints include:

a. the conduct of another staff member or student (including interpersonal conflict);
b. discrimination, harassment or bullying; or
c. workplace safety issues.

(9) If more than one staff member raises the same or substantially similar complaint(s), then each complainant will be managed separately.

(10) The University also recognises that a complaint may not be about any person. For example, a person may complain about a perceived workplace safety risk or the application of University policies and procedures.

Vexatious claims and claims made without reasonable cause:

(11) Staff members should not raise complaints which are vexatious or without reasonable cause.

(12) 'Vexatious' means that:

a. the main purpose of a claim is to harass, annoy or embarrass the other party; or
b. there is another purpose for the complaint other than the settlement of the issues arising in the claim (or response).

(13) 'Without reasonable cause' means that a claim is made without there being any real reason, basis in fact or purpose. Such claims include allegations that are:

a. so obviously untenable that the claim cannot possibly succeed;
b. manifestly groundless;
c. insufficiently particularised.

(14) Where a claim is determined as vexatious or made without reasonable cause, the staff member who raised the complaint will receive written notification of the determination which will include reasons as to why the complaint was deemed as vexatious and / or without reasonable cause.

Principles of Managing Workplace Complaints

(15) In the case of all complaints, the University will review the allegations and respond to the staff member who raised the complaint.

(16) While the procedural requirements of managing the complaint may vary, the University aims to ensure that:

a. complaints are addressed sensitively, promptly and in accordance with relevant University Policy and principles of natural justice;
b. all reasonable steps are taken to respect the confidentiality of the people involved in a complaint process;
c. fairness and impartiality prevail throughout the appropriate resolution process: until a complaint is investigated and a decision is made, a complaint is an allegation, not a fact;
d. appropriate records are maintained throughout the resolution process;
e. persons who notify complaints are protected from victimisation or reprisal;
f. persons who notify complaints are regularly informed of the progress of the matter, including the consequences of any finding that the complaint is substantiated or not substantiated;
g. persons who notify a complaint are:

i. entitled to make a protected disclosure in accordance with the Protected Disclosures Policy, provided that the disclosure is of the type that is identified as 'Reportable Conduct' under the Protected Disclosures Policy;
ii. regularly informed of the progress of the matter;
iii. informed of the consequences of any finding i.e. whether or not the complaint is substantiated.

Procedures

(17) Staff members should normally raise a complaint with their nominated supervisor and attempt to resolve such claims locally and informally. This can also include raising this with the supervisor above the nominated supervisor who can attempt to resolve such claims locally and informally.

(18) Where the attempt to resolve a complaint informally fails, or where it is not appropriate to resolve the complaint locally and informally, staff may submit a formal complaint, using the online form found on the ACU Complaints and Feedback webpage.

(19) The formal complaint is notified to People and Capability and will be recorded as lodged in the University Register of Staff Complaints.

(20) The relevant Member of the Executive in consultation with the Chief People Officer will consider the nature of the complaint and determine the appropriate steps in managing the complaint. This may include:

a. the Chief People Officer providing clarification or advice to the complainant about the application of a policy or procedure which is the subject of the complaint;
b. conducting a preliminary assessment of the complaint to obtain details about the complaint and assess the seriousness of the allegations, to determine the level of factual dispute, and to assess whether there is sufficient evidence to proceed to a formal investigation and / or refer for a possible misconduct proceeding:
c. conciliating or mediating the complaint, including to appoint an internal or external facilitator(s) or mediator(s);
d. investigating the complaint to make findings of fact, including to appoint an internal or external facilitator(s) or mediator(s);
e. referring the complaint to be dealt with under a different ACU policy, procedure or process;
f. dismissing the complaint on the grounds of it being vexatious or made without reasonable cause; and / or
g. taking any other appropriate procedural step to resolve the complaint.

(21) The University will notify the complainant of the relevant Member of the Executive and who is responsible for managing the complaint.

(22) If the complaint is dealt with formally, the University will aim to ensure:

a. before a complaint is investigated, the complainant relevantly describes their allegations (in most instances, but not all, this will need to be in writing), including particulars of the allegations so they can be investigated appropriately;
b. if the complaint is against a person, that person against whom the allegations are made is provided with a copy of the allegations that will be investigated; and
c. all parties are informed in writing of the outcomes of any investigative process (subject to any confidentiality requirements).

(23) The relevant Member of the Executive and / or the Chief People Officer will advise the complainant (and any other party to the complaint, subject to any confidentiality restraints) of the actions and outcomes arising from the process set out in this Policy.

Outcomes and Referral

(24) If a complaint is investigated under this Policy and findings are made that substantiate any or all of the allegations made, the relevant nominated supervisor / relevant Member of the Executive may:

a. counsel the staff member involved on their behaviour and the findings made as a result of the investigation;
b. commence disciplinary action in accordance with Section 7 of the ACU Staff Enterprise Agreement 2022-2025 (or its successor), which could lead to disciplinary action being taken, including termination of employment;
c. take some other form of appropriate action; or
d. take no further action.

External Assistance

(25) Staff members involved in a complaint are able to seek professional support for their wellbeing from the University's Employee Assistance Program.

(26) Where the internal procedures are exhausted, and a staff member remains dissatisfied with the outcome, they may wish to seek assistance from external organisations such as the Victorian Equal Opportunity and Human Rights Commission, the Australian Human Rights Commission or Worksafe.

Section 6 - Confidentiality and Victimisation

(27) The parties to a complaint are required, at all stages of this Policy, to maintain confidentiality in relation to the concern or complaint. The parties must not disclose, by any form of communication, either the fact or the substance of the allegations or issues to anyone other than an advocate, staff representative (as defined under the ACU Staff Enterprise Agreement 2022-2025 (or its successor) or a qualified counsellor.

(28) A person must not victimise or otherwise subject another person to detrimental action as a consequence of that person raising, providing information about, or otherwise being involved in the resolution of a complaint under these procedures.

(29) Any breach of either the confidentiality or non-victimisation requirements will be treated seriously by the University, and may result in disciplinary action. Any such breach will be referred for investigation and handling in accordance with the relevant misconduct procedure.

Section 7 - Revisions made to this Policy

(30) The revision table includes revisions up until this document was migrated into the current policy platform. Any later changes will show in the Status and Details tab.

Date	Major, Minor or Editorial	Description
19 Dec 2016	Major	Updated to provide consistency of complaints processes for staff and students, including introduction of the new online form and resources for lodging complaints.
9 April 2019	Editorial	Updated to include reference to ACU Staff Enterprise Agreement 2017-2021 and Service Central.
18 June 2020	Minor	Updated to clarify process for different types of complaints.
13 May 2022	Editorial	References to Director, Human Resources updated to Chief People Officer.

(31) From time to time the University may make changes to this Policy to improve the effectiveness of its operation.

Section 8 - Further Assistance

(32) Any staff member who requires assistance in understanding this Policy should first consult their nominated supervisor who is responsible for the implementation and operation of these arrangements in their work area. Should further information or advice be required, staff should visit Service Central.

Section 9 - Associated Information

(33) For related legislation, policies, procedures and guidelines and any supporting resources please refer to the Associated Information tab.

Status and Details

Status	Current
Effective Date	16th February 2024
Review Date	30th April 2024
Approval Authority	Vice-Chancellor and President
Approval Date	16th February 2024
Expiry Date	Not Applicable
Responsible Executive	Angelle Laurence Chief People Officer
Responsible Manager	Angelle Laurence Chief People Officer
Enquiries Contact	Bernardine Lynch ER and Safety Committees and Policy Officer People and Capability