



## GRIEVANCE MANAGEMENT (Staff) Policy and Procedure

### PURPOSE

In an effort to maintain its commitment to accountability, equity and confidentiality, the following policy and procedure outline a set of rules by which any staff grievance matter must be followed.

### SCOPE

This document applies to all staff members of the ACC.

### DEFINITIONS

Terms in this document, for which definitions are not provided in the text or may not be self-evident or for which usage at ACC may differ to that in other higher education institutions are as follows:

**Appeal:** An application to a higher authority for a decision to be reversed.

**Claimant:** The person who formally instigates a grievance, complaint or appeal.

**Complaint:** A statement that a situation is unsatisfactory.

**Complaints Manager:** A Senior or Executive Manager within ACC who is appointed by the President to manage the processes for investigation and determination of the outcome of a formal complaint (including appropriate communications with the complainant and the respondent. For complaints by ACC academic staff, the Academic Dean is the appointed Complaints Manager. For complaints by ACC professional or non-academic staff, the Corporate Services Manager is the appointed Complaints Manager. In the event that the complaint relates to the designated Complaints Manager, the College President will oversee the grievance resolution process.

**Formal Grievance:** The formal lodging of a written grievance, complaint or appeal.

**Grievance:** An official statement of a complaint over something believed to be wrong, which has resulted in what is believed to be by the Claimant, unfair treatment.

**Informal Grievance:** A range of processes, such as discussion, a request or query lodged with an appropriate staff member.

**Mediation:** Mediation is a process by which a neutral third party called a mediator helps people in conflict negotiate a mutually acceptable agreement. The parties to the mediation control the outcome. If informal negotiations have failed, mediation provides an alternative to pursuing other more formal processes.

**Natural Justice** – Natural justice refers to a due process that displays fairness to all parties. It includes the right to be heard, the right of reply, the right to be treated fairly and the right to be informed of allegation(s) being made.

**Respondent:** The person or institution against whom the grievance is lodged.

**Unfair Treatment:** Any treatment that the Claimant feels has been biased against them and has resulted in an outcome that would otherwise have been different, had the treatment been 'fair'. This usually means the Claimant feels discriminated against in some way.

**Working Day:** A weekday (Monday to Friday) on which the College is open for business. This does not include national public holidays or College shutdown periods (e.g. Christmas holidays) as noted on the Student Calendar.

## **POLICY STATEMENT**

The procedures outlined below are not intended to prevent informal resolution of complaints, but rather provide a framework to allow for the best chance of resolution efficiently. It is expected that all parties will approach resolution of grievances with the intent to resolve issues in a practical and cooperative manner.

It is the right of the complainant to choose the pathway that will be followed, however all staff have the right to expect protection against frivolous and vexatious complaints.

All matters will be acknowledged and follow due process. Harassment, victimisation or discrimination against individuals involved in the dispute will not be tolerated.

All participants will strictly adhere to confidentiality at all stages of the Grievance Procedure.

Matters which are identified as outside the area of jurisdiction of the College, such as unprofessional behaviours requiring referral to professional regulatory authorities, being criminal in nature and thus falling under the Public Interest Disclosure Act 2010 or anti-discrimination legislation, will be referred immediately to the appropriate person or authority.

## **PROCEDURES**

1. Complaints or grievances will fall under one of the two following categories
  - Complaints concerning Policy, Procedure and Decisions;
  - Complaints regarding professional conduct, excluding complaints related to sexual assault and sexual harassment which are covered in the Sexual Assault and Sexual Harassment Policy and Procedures.
2. All complaints and/or grievances will be acknowledged in writing, followed shortly with an indicative timeframe for complaint resolution.
3. Grievance resolution will adhere to the principles of Natural Justice and will follow a three (3) step process:
  - 3.1 **Stage 1: Informal process**
    - 3.1.1 Informal resolution of staff complaint is the most desirable process as it often offers the best chance at resolution. In the case of informal process, no formal record of issue, result or people involved will be noted or placed on individual staff records.
    - 3.1.2 Should informal process not be possible or practical, group mediation may be arranged by the Complaints Manager. The appointed Complaints Manager will be either:
      - a) the Academic Dean – for complaints by academic staff;

b) the Corporate Services Manager – for complaints by professional or non-academic staff  
In the event that the complaint relates to either the Academic Dean or the Corporate Services Manager, group mediation will be arranged by the College President.

3.1.3 During the mediation process, the College will provide access to each party involved, at no additional cost, a third party Support person. These support persons will provide reasonable assistance to the parties in order to facilitate mediation and resolve the complaint prior to submission of a formal grievance.

### 3.2 **Stage 2: Formal Grievance and Complaint Process**

Formal Grievance maybe the result of failed informal process or the initial desired pathway of the complainant.

3.2.1 Formal complaint must be provided in writing to the designated Complaints Manager who will:

- Provide all parties involved with copies of relevant policy and procedures pertinent to the matter;
- Contact the respondent and notify them of the allegations made against him/her, whilst providing the respondent with the opportunity to state their case, providing an explanation or putting forward a defence.

3.2.2 The Complaints Manager, along with one other senior manager will then conduct a factual investigation into the allegations, or complaint, interviewing all individuals involved and consider all information in an unbiased, fair and impartial manner.

3.2.3 If a complaint or grievance is substantiated, resolution will be sought through one or more of the following means:

Option 1: The Complaints Manager may try and resolve the matter directly with the complainant.

Option 2: The Complaints Manager may recommend that the complainant and other relevant parties engage in informal conciliation to attempt resolution.

Option 3: The Complaints Manager may recommend that the complainant and other relevant parties engage in formal conciliation with an independent mediator to attempt resolution.

Option 4: The Complaints Manager may arrange for the complaint to be formally investigated and take action as necessary at the conclusion of the investigation which may include any of the other options.

### 3.3 **Stage 3: Review**

3.3.1 Should either the complainant or respondent wish to appeal the decision of Stage 2 based on the ground of undue process, or flawed process they may request an independent review of the case via the College President. For an external review to be approved, a complainant must have exhausted the internal grievance procedures outlined in Stage1 and Stage 2 of this policy.

3.3.2 Upon approving the request for an independent review, the College President will appoint an independent person to review this process and provide a written report back to College President. These findings must be communicated back to either the complainant or respondent within 21 working days.

4. Maintenance of the strict confidentiality is essential to ensure minimisation of rumour, escalation of the situation or possible discrimination or victimisation of their party.

## **IMPLEMENTATION AND MONITORING**

The College President is responsible for the implementation and monitoring of the policy.

## REVIEW

The ACC's *Grievance Management (Staff) Policy and Procedure* is normally reviewed every three years. It is a policy of the ACC that any Policy or Procedure may be reviewed earlier as indicated by internal or external factors (including but not limited to such factors as changes in the guidelines of regulatory authorities, accreditation/registration requirements of the profession, or relevant legislation at state or federal level) as determined the Board of Directors and/or Academic Board.

## RELATED POLICY DOCUMENTS:

- Equity Policy and Procedures.
- Privacy Policy
- Sexual Assault and Sexual Harassment Policy and Procedures (when finalised)
- Workplace Bullying and Work-related Violence Policy and Procedures

## VERSION CONTROL

<b>Document:</b> H003 Grievance Management (Staff) Policy and Procedures		
<b>Responsible Officer:</b> President/CEO		
<b>Initially Approved by:</b> Academic Board		<b>Date:</b> 15 January 2018
<b>Reviewed and endorsed by:</b> Academic Board		<b>Date:</b>
<b>Reviewed and approved by:</b> Board of Directors		<b>Date:</b> 1 October 2020
<b>Version:</b> V2.1	<b>Replaces Version(s):</b> V2.0	<b>Next Review:</b> September 2022
<b>Nature of Change</b>	September 2020 <ul style="list-style-type: none"><li>• Minor spelling, other text and formatting edits</li><li>• Delegated responsibility for handling complaints to either the Corporate Services Manager (professional staff) or the Academic Dean (academic staff)</li><li>• Policy approval changed from Academic Board to Board of Directors.</li><li>• Insert four options in point 3.2.3</li><li>• Inserted list of Definitions</li><li>• Inserted list of Related Documents</li></ul>	