

# Staff Grievance Procedure

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## Purpose

To establish state a clear and fair process for staff members to raise and settle a grievances which arises against another staff member or staff members.

## Scope

The procedure described in this document applies to all the staff members of the University and is designed to facilitate the settlement of grievances.

This procedure does not apply if the subject matter of the grievance relates to:

1. a matter covered by alternative internal formal review, appeal, grievance or other dispute settling procedures, nor to the outcome of a merit-based selection process;
2. a decision of the University Council;
3. the content of approved policies or procedures of the University;
4. decisions of the Vice-Chancellor or any review or Appeal Committee which are stipulated as final in University policy or Workplace Agreement clauses;
5. improper conduct by staff as defined in the Protected Disclosures Act 2012.

Note: For the purposes of this Procedure, the term “grievance” excludes (a) alleged bullying and/or violence and/or threats of violence and/or restrictions in academic freedoms or freedom of speech and (b) alleged discrimination or sexual harassment. Such actions or threats are dealt with by the [Bullying Prevention and Management Procedure](#) and the [Discriminatory and Sexual Harassment Complaint Procedure](#) respectively.

## Definitions

Term	Definition
<b>Alternate Supervisor</b>	An officer senior to the complainant to whom a complainant may refer their grievance in cases where the respondent to the complainant’s grievance is the complainant’s Supervisor. Usually the Alternate Supervisor will be the supervisor of the complainant’s Supervisor. The Director, People and Culture may also act as the Alternate Supervisor.
<b>Complainant</b>	The staff member alleging the grievance.
<b>Grievance</b>	Alleged behaviour or action of another member or members of staff, which has or is likely to have an unreasonable negative impact on the ability of a staff member to undertake their duties (e.g. dissatisfaction with the staff member’s work environment).
<b>Investigator</b>	An impartial person appointed by the Vice-Chancellor to conduct an investigation into the substance of the grievance who may be external or internal to the University and has no prior involvement in the subject matter of the grievance. If the investigator is an employee of the University, they must be a senior officer not employed in the same Institute, School, or Directorate or other organisational area of either the complainant or the respondent.
<b>Party</b>	Means the complainant and/or respondent (as the context requires).
<b>Principles of Natural Justice</b>	Procedural fairness in the handling of a grievance that involves all of the following elements: <ol style="list-style-type: none"> <li>1. the opportunity for all parties involved to be heard and the right to a fair hearing;</li> <li>2. the right to attend any hearings or interviews with a friend or support person, if required;</li> <li>3. the respondent having full knowledge of the nature and substance of the grievance;</li> <li>4. the opportunity for all parties to respond to allegations made against them during the course of an investigation;</li> <li>5. the right to an independent, unbiased decision-maker; and</li> <li>6. a final decision based solely on the relevant evidence.</li> </ol>
<b>Respondent</b>	The staff member or staff members against whom the grievance has been alleged.
<b>Senior Management</b>	The Vice-Chancellor and the Deputy Vice-Chancellors.
<b>Senior Officer</b>	Senior managers other than the Vice-Chancellor and Deputy Vice-Chancellors including an Executive Dean of an Institute, a Dean of School,

	a Head of Campus, a Director, the Chair of Academic Board, a Professor or an Associate Professor.
<b>Staff Grievance Contact Officer(s)</b>	One or more staff members employed in the People and Culture' Directorate, appointed by the Director, People and Culture to provide guidance to the parties, the Supervisor and (where required) the Vice-Chancellor as to the steps to be followed under this Procedure.
<b>Supervisor</b>	Normally the management position to which the complainant reports. However, the level of this position must be that of an Executive Dean of an Institute, Dean of School, Deputy Dean, a Head of Campus, a Director, Executive Director, Manager of a Section or a Course Coordinator (where the Course Coordinator has supervisory responsibilities).
<b>University Grievance Officer</b>	An officer of the University employed within the Chief Operating Office, usually the Head of Legal. The University Grievance Office may provide procedural advice to any person or officer referred to in this Procedure, including the Vice-Chancellor.

## Actions

### A. Initial Procedure

	STEPS	RESPONSIBILITY	COMMENTS
1.	Before commencing the Local Procedure or the Formal Procedure, Complainants are strongly encouraged to try to settle any grievance directly with the person(s) concerned.	Complainant	
2.	A Complainant should raise their grievance directly with the Respondent as quickly as possible, informally and cordially.	Complainant	
3.	At any time while trying to settle the grievance, a Complainant or a Respondent may consult confidentially with anyone they choose, including their Union representative, and may seek advice from the Staff Grievance Contact Officer(s), the Director, People and Culture or the University Grievance Officer.	Complainant and Respondent	
4.	If the grievance is settled quickly, informally and amicably, both the Complainant and the Respondent should make a file note of the nature of the grievance, how it	Complainant and Respondent	

	was resolved, and the relevant date and provide a copy to the Director, People and Culture.		
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## B. Local Procedure

	STEPS	RESPONSIBILITY	COMMENTS
1.	Unless extenuating circumstances exist, the Local Procedure for the settlement of grievances will not be invoked unless the Complainant has attempted to settle the grievance quickly, directly and informally with the Respondent as outlined in the Initial Procedure, above.		
2.	Subject to 1., above, a complainant may refer the grievance to their Supervisor for settlement of the grievance. This should occur as soon as reasonably possible after the Complainant has unsuccessfully attempted to settle the grievance in accordance with the Initial Procedure. When the Complainant's grievance is against or involves their Supervisor the Complainant may refer the grievance to the Alternate Supervisor.	Complainant	
3.	<p>To commence the Local Procedure the Complainant must provide in writing to their Supervisor or Alternate Supervisor, (as appropriate):</p> <ul style="list-style-type: none"> <li>• a clear and specific statement of the grievance, including its nature and relevant date(s), the parties to the grievance;</li> <li>• a proposed process for trying to settle the grievance, which process will be considered by the Supervisor/Alternative Supervisor; and</li> <li>• a suggested solution which the Complainant believes would settle the grievance. An appropriate solution will focus</li> </ul>	Complainant	

	on achieving a productive working environment or relationship, rather than apportioning blame.		
4.	<p>Within ten (10) working days of receiving the written grievance statement, the Supervisor/Alternate Supervisor will determine whether the subject matter, prima facie, falls within the definition of a grievance.</p> <p>Where it is determined that the subject matter falls within the definition of a grievance, the Supervisor/Alternate Supervisor will:</p> <ul style="list-style-type: none"> <li>gather such other information as required to assist with the settlement of the grievance, including providing the Respondent with the statement of the grievance and the opportunity to respond in writing; and</li> <li>attempt to settle the grievance by: <ul style="list-style-type: none"> <li>a. using the process outlined by the Complainant for settlement (if appropriate); or</li> <li>b. through discussion between the parties and the Supervisor/Alternate Supervisor; or</li> <li>c. by arranging counselling for the parties; or</li> <li>d. by arranging informal mediation and/or conciliation of the grievance; or</li> <li>e. through facilitated discussion.</li> </ul> </li> </ul> <p>Where it is determined that the subject matter of the grievance falls outside the definition of a grievance, the Supervisor/Alternate Supervisor will advise the Complainant in writing and, where appropriate, refer the</p>	Supervisor/Alternate Supervisor	<p>Supervisor may seek advice from a Staff Grievance Contact Officer, the Director, People and Culture or the University Grievance Officer.</p> <p>Evidence gathering will include any statements, documents, emails etc that are relevant to the grievance.</p> <p>Supervisor/Alternate Supervisor should provide the Respondent with formal written notification of the grievance and provide the Respondent with the opportunity to respond in writing in a timely manner (usually ten (10) working days, unless there are extenuating circumstances).</p> <p>The process for settling the grievance is at the Supervisor's/Alternate Supervisor's discretion but all parties to the grievance should be consulted with a view to reaching agreement on that process.</p> <p>If the subject matter of the grievance falls outside out the grievance definition, the Supervisor/Alternate Supervisor, where appropriate, should direct the Complainant to the relevant procedure.</p>

	<p>Complainant to an appropriate resolution procedure or process.</p> <p>The Supervisor/Alternate Supervisor may dismiss a grievance if in the Supervisor's/Alternate Supervisor's view the grievance is ill-advised, misguided, frivolous, malicious or vexatious. The Supervisor/Alternate Supervisor will record this finding in writing, providing copies to the parties, the Director, People and Culture and the University Grievance Officer..</p>		
5.	<p>If the Respondent's supervisor is a different officer from the Complainant's Supervisor the Complainant's Supervisor/Alternate Supervisor, will determine the appropriateness of including the Respondent's supervisor in grievance-resolution process. In making that assessment the Supervisor/Alternate Supervisor will take into account the importance of resolving the grievance as quickly and informally as possible and, where possible, at the local level.</p>	Complainant's Supervisor/Alternate Supervisor	
6.	<p>At the conclusion of a successful Local Procedure (i.e. one in which there is an outcome agreed to by both parties), the Supervisor/Alternate Supervisor will write to both the Complainant and Respondent stating the outcome of the process and confirming any action(s) to be taken, or that have been taken, in settlement of the grievance.</p>	Supervisor/Alternate Supervisor	<p>The Supervisor/ Alternate Supervisor to formally write to the parties to advise of the successful outcome of the Local Procedure. A copy of that communication should be provided to the Staff Grievance Contact Officer(s) and/or the University Grievance Officer (as appropriate).</p>
7.	<p>At the conclusion of an unsuccessful Local Procedure (i.e. one in which the parties have not reached an agreed outcome) the Supervisor/Alternate Supervisor will write to the Complainant and Respondent stating that the grievance has not been resolved and indicating what future steps, if any, should be</p>		<p>The Supervisor/ Alternate Supervisor should provide the Staff Grievance Contact Officer(s) and/or the University Grievance Officer (as appropriate) with a brief written summary of the grievance, a note of the unsuccessful outcomes of the Initial Procedure and Local Procedure and any future actions</p>

	taken to resolve the grievance. Those steps may include invoking the Formal Procedure.		recommended, for record keeping purposes.
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## C. Formal Procedure

Unless extenuating circumstances exist, the Formal Procedure for the settlement of a grievance will not normally be activated unless attempts have first been made to settle the grievance under the Initial Procedure and the Local Procedure, which attempts have been unsuccessful.

	STEPS	RESPONSIBILITY	COMMENTS
1.	<p>If the grievance has not been settled for any reason, (including as a result of a determination by the Supervisor/Alternate Supervisor that the subject matter falls outside the definition of a grievance), an aggrieved party may seek settlement of the grievance through the Formal Procedure.</p> <p>The Formal Procedure should be invoked</p> <p>within seven (7) working days of the Supervisor/Alternate Supervisor notifying the parties of the outcome of the Local Procedure</p> <p>This timeframe may be extended at the discretion of the Director, People and Culture.</p>	Complainant or Respondent to complete the Grievance Lodgement Form and provide to the Director, People and Culture	Application for an extension must be made in writing to the Director, People and Culture and include reasons why a party requires the extension
2.	A formal grievance may only be commenced by lodging a completed Grievance Lodgement Form [hyperlink to the Form], with the Director, People and Culture. The Director, People and Culture will provide a copy of the Grievance Lodgement Form to the Vice-Chancellor as soon as practicable.	Complainant or Respondent	
3.	Within twenty (20) working days of receipt of the Grievance Lodgement Form the Vice-Chancellor (or nominated representative) should appoint	Vice-Chancellor	An internal investigator nominated by the Vice-Chancellor will be a member of Senior Management or the Director, People and Culture.



	an Investigator to hear the grievance.		
5.	The Investigator will, within twenty (20) working days of appointment (or as soon as possible thereafter):		
	<ul style="list-style-type: none"> <li>a. interview both the Complainant and Respondent and such other persons or seek any further information the Investigator considers necessary and will conduct any investigation in accordance with Principles of Natural Justice;</li> <li>b. determine whether the grievance is justified; and</li> <li>c. recommend to the Vice-Chancellor appropriate action which may include: <ul style="list-style-type: none"> <li>i. counselling for either or both parties;</li> <li>ii. mediation or conciliation of the grievance;</li> <li>iii. disciplinary action; or</li> <li>iv. a recommendation that no further action be taken</li> </ul> </li> </ul>	Investigator	
	If in the Investigator's view, the grievance is ill-advised, misguided, frivolous, malicious or vexatious, the Vice-Chancellor will advise the complainant, and where appropriate other parties, in writing of this finding and the reasons for the finding and where appropriate the Vice-Chancellor will take action in accordance with relevant staff provisions against the Complainant.		Investigator will provide the Vice-Chancellor with a written report outlining the nature of the grievance, the parties involved, and provide recommendations for appropriate action if required. If the grievance is found to be unsubstantiated the report must include the reasons for this conclusion.
8.	On receipt of the Investigator's report, the Vice-Chancellor will:		
	<ul style="list-style-type: none"> <li>a. take such action as the Vice-Chancellor deems appropriate; and</li> <li>b. notify in writing both the Complainant and Respondent of the outcome of the process, the reasons for the decision</li> </ul>	Vice-Chancellor	A formal written response will be provided to the parties.



	and specify any action to be taken.		
9.	The decision of the Vice-Chancellor is the final step in the grievance process and is not open to challenge via any other dispute settling procedures of the University.		
10.	A copy of the grievance together with a written account of the Initial, Local and Formal Procedures and the terms of the settlement (if any) shall be recorded by the Director, People and Culture in a confidential file to be held in the People and Culture Directorate. A copy of these documents will also be provided to the University Grievance Officer	Director, People and Culture	

## Grievances and Senior Management

If a grievance relates to the alleged conduct of a member of the University's Senior Management, other than the Vice-Chancellor, the matter will be taken directly to the Director, People and Culture who will refer the matter to the Vice-Chancellor.

If the grievance relates to the alleged conduct of the Vice-Chancellor, the Director, People and Culture will refer the matter to the Chancellor. In such a case, the Chancellor, after consultation with one Deputy Chancellor, will have discretion as to the appropriate procedure to be used in determining whether the grievance has substance and the appropriate process, within the spirit of this Procedure for settling the grievance.

## Confidentiality

All persons associated with the Initial, Local and Formal Procedures must maintain strict confidentiality and only discuss the grievance and associated matters with those who have responsibility for dealing with the grievance.

## External Agencies

Complaints about administrative actions and decisions of the University be made to the Victorian Ombudsman [<http://www.ombudsman.vic.gov.au>]. The Ombudsman is, generally, the office of last resort. If you have not followed the steps laid down in the relevant University procedures, the Ombudsman may ask you to do so before accepting your complaint.

## Responsibilities

**All staff** are expected to conduct themselves in a manner which respects the rights and welfare of other members of the University and to show competence, care, good faith and compliance with instructions, policies and procedures in the performance of their duties.

**Supervisors and Alternate Supervisors** (as appropriate) are responsible for trying to prevent problems and settling grievances in the workplace and for notifying the Staff Grievance Contact Officer(s) and/or the University Grievance Officer (as appropriate) in writing, of the existence and outcome of any grievance under the Local Procedure

It is the **Complainant's** responsibility to raise the issue(s) of the grievance as soon as possible with the other party/ parties and agree to be involved in settling the issue(s) by acting in good faith and using first, the Initial Procedure and subsequently and if necessary, the Local Procedure, prior to invoking the Formal Procedure as a final measure to resolve the grievance.

The **Staff Grievance Contact Officer(s)** and/or the University Grievance Officer (as appropriate) are responsible for providing procedural guidance to the parties and the Supervisor/Alternate Supervisor (if requested) at the Initial and Local stages of the Procedure.

The **University Grievance Officer** will provide procedural guidance to the parties, Supervisor/Alternate Supervisor and the Vice-Chancellor regarding the requirements of the Formal Procedure.

The **Director, People and Culture** is responsible for promulgation of this Procedure; for notifying the Vice-Chancellor, the Staff Grievance Contact Officer(s) and the the University Grievance Officer (as appropriate) (for procedural advice and record keeping purposes) of the lodgement of a grievance under the Formal Procedure.

The **Vice-Chancellor** has overall responsibility for the implementation and review of this Procedure.

## Associated Documents

- Union Enterprise Agreement, Academic and General Staff Employees, 2019-2021
- [Bullying Prevention and Management Procedure](#)
- [Discriminatory and Sexual Harassment Complaint Procedure](#)
- Code of Conduct for Staff and Other Members of the University
- [Equal Opportunity and Valuing Diversity Guidelines](#)
- [Protected Disclosures Procedure](#)
- Fair and Transparent Decision Making Guidelines

### Forms.

- [Staff Grievance Lodgement Form](#) (DOCX 87.1kb)

## Forms/Record Keeping

Title	Location	Responsible Officer	Minimum Retention Period
Completed Grievance Lodgement Form	People and Culture	Director, People and Culture	7 years

## Implementation

The [Staff Grievance Procedure](#) will be implemented throughout the University via:

1. an Announcement Notice under 'FedNews' on the website and through the University's 'Recently Approved Documents' webpage to alert the University-wide community of the approved Procedure; and

2. inclusion on the University's Policy, Procedure and Forms website; and/or
3. distribution of e-mails to Executive Deans of Institutes/Deans of School /heads of organisational units, University staff; and/or
4. information Sessions; and/or
5. training Sessions; and/or
6. documentation distribution, eg. posters, brochures.