



GRIEVANCE POLICY

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First Approved by:	University Council		
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Responsible Division & Unit:	Governance and Legal Division		
Supporting documents, procedures & forms:	Procedures for Investigating Grievances Records Management Policy Privacy Policy Conflict of Interest Policy Bullying Prevention Policy Respect for Diversity Policy Employment Equity and Workforce Diversity Policy Respect for Diversity Policy Sexual Harassment Prevention Policy Disability Policy- Staff Disability Policy- Students		
Relevant Legislation & External Documents:	Anti-Discrimination Act, 1977 (NSW) Australian Human Rights Commission Act 1986 Disability Discrimination Act, 1992 (Commonwealth) University Code of Conduct Higher Education Support Act 2003 University Of Wollongong (Academic Staff) Enterprise Agreement 2005 University Of Wollongong (General Staff) Enterprise Agreement 2005 Code of Practice – Student Professional Experience Teaching and Assessment Code of Practice - Teaching		
Audience:	Public		

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Contents

1	Purpose of Policy	3
2	Definitions.....	3
3	Application, Scope & Exclusions.....	4
4	Policy Principles.....	5
5	Policy Statement.....	6
6	Roles & Responsibilities	7
7	Specific Responsibilities of Specialist Units.....	8
8	Requirements of Confidentiality	9
9	Record Keeping.....	9
10	Version Control and Change History	10



1 Purpose of Policy

1. The purpose of this document is to set out the University of Wollongong's (UOW's) policy on resolving grievances. This policy is to be used in conjunction with the Procedures for Investigating Grievances.
2. UOW is committed to providing a safe, harmonious, supportive and productive environment for its students, staff and affiliates – free from unfair treatment, discrimination, harassment, vilification, bullying and conflict.
3. The emphasis is on resolving problems as close as possible to the source, and directing complaints to the most appropriate resolution mechanism for a specific grievance.
4. It is generally presumed that the investigation of a grievance will lead to some outcome. Once a grievance is established it is not generally acceptable for the outcome to be “do nothing”.

2 Definitions

The following definitions apply each time the listed word appears in this document.

Word/Term	Definition (with examples if required)
Affiliates	Includes people holding University of Wollongong Honorary Awards as conferred by the University Council, including the awards of Emeritus Professor, Honorary Doctor and University Fellow; people appointed in accordance with the University's Appointment of Visiting and Honorary Academics Policy; and people engaged by the University as agency staff, contractors, volunteers and work experience students
Bullying	When an individual or group of individuals repeatedly behaves unreasonably towards a person or group of people and that behaviour creates a risk to health and safety.
Complainant	A student, staff member or affiliate who has lodged, or is considering lodging, a grievance or complaint.
Discrimination	When someone is treated unfairly because they belong to a particular group of people or have a particular characteristic. For example treating someone unfairly or differently because of their sex, pregnancy, race (including colour, ethnicity and descent), disability, sexual preference, religion, transgender, carer's responsibilities, marital status, social origin, political belief, employee association activity, irrelevant criminal record or age. Indirect discrimination occurs when there is a requirement or rule that is the same for everyone but in effect disadvantages people from a particular group more than people from other groups - unless the requirement is reasonable in the circumstances.
Grievance	Concerns or complaints about unfair treatment, discrimination, harassment, vilification and/or bullying which are not otherwise managed under a separate review, appeal, resolution or complaint procedure.



Grievance: less serious	Matters which are considered less serious are those which are not unlawful but should be addressed and resolved to avoid escalation.
Grievance: serious	Matters which are considered serious including (but not limited to; sexual harassment, assault, unlawful behaviour and those contrary to the University's codes and rules)
Harassment	Unwelcome behaviour that makes a person feel belittled, intimidated, offended or apprehensive, and that a reasonable person, taking into account all the circumstances, would expect to cause offence, intimidation or apprehension.
Investigator	A person with the delegated authority to investigate grievances.
Mediation	A process that facilitates dispute resolution in which someone who has professional mediation skills (usually called a mediator) helps the aggrieved parties reach a joint agreement that suits everyone concerned. He/she is neutral, does not influence the outcome, and helps parties to consider all possible solutions.
Misconduct	A grievance potentially regarded as falling under the scope of disciplinary procedures under the student misconduct policy, the relevant staff misconduct procedures or the staff member's employment agreement.
Respondent	A staff member whose action or behaviour is complained about in a grievance.
Specialist units	Professional Units within the University which have defined responsibilities in relation to grievances: Complaints Management Centre, Human Resources Division, Workplace Health & Safety Unit, Student and Accommodation Services Division, Governance and Legal Division, DVC (Research), Research and Innovation Division, Chief Operating Officer, Security.
Staff	All people employed by the University including conjoint appointments, whether on continuing, permanent, fixed term, casual or cadet or traineeship basis.
Student	A person registered for a course at the University of Wollongong.
Unlawful	An action in relation to matters prohibited by law
Vexatious	An action or the action of a person that is brought forward without sufficient grounds purely to cause annoyance or harm to another person or persons

3 Application, Scope & Exclusions

1. This policy applies to staff, students and affiliates who have a grievance about unfair treatment, discrimination, harassment, victimisation, vilification and/or bullying.
2. This policy cannot be used for a concern or complaint where there already exists a separate University review, appeal or complaint procedure.
3. Matters specifically excluded from being dealt with under this policy are:
 - a. all student matters outside those listed in 3.1;



- b. staff misconduct and unsatisfactory performance;
 - c. Privacy
 - d. protected disclosure;
 - e. formal access to information requests;
 - f. corrupt conduct and maladministration;
 - g. staff recruitment, appointment, conversion, reclassification, probation, promotion and conditions of employment for staff;
 - h. application, implementation or interpretation of the [University's Enterprise Agreement](#), Australian Workplace Agreement, and other conditions of employment;
 - i. workplace health and safety, workers compensation; or
 - j. IT use
4. Where a matter is under investigation by the Police, ICAC or other external agencies such as NSW Anti-Discrimination Board, Australian Human Rights Commission or the NSW Ombudsman, the University may cease or not commence action under this policy until those external investigations have concluded

4 Policy Principles

General Principles of Grievance Resolution

1. The prime objective of the University's Grievance Policy is to achieve a resolution of a grievance in the context of the following principles:
 - a. Grievances shall be handled within an appropriate time frame (see Section 6 Procedures for Investigating Grievances) and will be treated sensitively and impartially, having due regard to procedural fairness;
 - b. Resolution of the grievance shall be as close as possible to the source, unless it is serious, unlawful or not practical;
 - c. It is expected that all parties involved will approach proceedings with a desire to resolve the grievance cooperatively and in good faith;
 - d. Individuals shall not victimise or harass other parties involved in the matter;
 - e. Confidentiality shall be strictly observed by all participants and at all stages of the grievance procedure; and
 - f. Complainants and respondents will be informed of the outcomes where appropriate.

Principles of Procedural Fairness and Natural Justice

2. UOW recognises that staff, students and affiliates who study or work at the University have the legal and ethical right to:
 - a. raise any concern or complaint related to unfair treatment, discrimination, harassment, vilification, bullying and other such issues;
 - b. have that concern, problem, complaint or grievance dealt with confidentially, fairly, effectively and within an appropriate timeframe (see Procedures for Investigating Grievances);



- c. have the support of another person throughout the grievance process:
 - i. for students: a family member, another student or a staff member, a friend, student representative, or
 - ii. for staff: a family member, a staff member or staff representative, a friend; and
 - d. make a request as to the gender of the investigator where appropriate.
3. Investigators shall observe the rules of natural justice in any action taken in relation to a complaint. This includes:
- a. informing all parties of the procedure being followed and providing them with copies of relevant policies and guidelines;
 - b. explaining to the complainant that the requirements of procedural fairness mean that their identity may be disclosed to the respondent;
 - c. informing the respondent of any allegation made against them, and allowing time for a response;
 - d. providing the respondent with the opportunity to state their case, providing an explanation or putting forward a defence;
 - e. conducting a factual investigation of the allegation, interviewing all parties and considering all relevant information; and
 - f. acting fairly, impartially and without bias by considering all relevant information and any mitigating factors.

Conflict of Interest

4. Where it can be demonstrated that there is a conflict of interest or there may be a potential perceived conflict of interest:
 - a. an investigator should refer the matter immediately to an alternative investigator or the next level of management; and
 - b. a complainant or respondent may request an alternate investigator.

Consult the University's Conflict of Interest Policy for more information.

5 Policy Statement

1. The University has a duty of care to students, staff and affiliates to resolve grievances promptly and with the minimum of distress. The University has a legal responsibility for resolving equity related grievances alleging unlawful behaviour.
2. For the purpose of managing grievances, complaints are distinguished by their level of seriousness. Where there is doubt as to the level of seriousness advice should be sought from the manager of the most appropriate specialist unit (see Section 7).

Less Serious Grievances

3. Matters which are considered less serious are those which are not unlawful but should be addressed and resolved to avoid repetition or escalation.
4. Wherever possible and practical the grievance should be handled as close as possible to the source.



5. For Academic staff matters the lowest appropriate level to deal with the complaint is the Head of the School or Head of Students. For professional staff matters the lowest appropriate level to deal with the complaint is the Manager or Senior Manager Strategies for staff to resolve less serious grievances without escalating the matter to a supervisor or manager:
 - a. It may be appropriate for the complainant and respondent to deal with the matter themselves;
 - b. The complainant and respondent may seek advice and/or mediation from a nominated HR advisor;
 - c. The complainant and respondent may request access to mediation via the Complaints Management Centre
6. If the staff member or affiliate is not comfortable dealing with the complaint themselves then it is usually referred to the supervisor, or if the grievance concerns them, the supervisor's manager.
7. Students, staff members or affiliates may raise matters directly with the relevant specialist unit at any time. (See Section 7)

Serious Grievances including Unlawful Behaviour

8. Matters which are considered serious or unlawful, may include but are not limited to, sexual harassment, all matters covered by the grounds of anti-discrimination laws, assault and those contrary to the University's codes and rules.
9. Grievances of a serious nature or those that allege unlawful behaviour must be referred directly to the appropriate specialist unit. (see Section 7)
10. Repetition of a less serious behaviour, dealt with by one or more investigators or specialist units, may lead to the matter being dealt with as a serious grievance.
11. The specialist unit may report apparent or suspected unlawful behaviour to the Police.
12. The specialist unit will advise the complainant about internal and external options.
13. Grievances of a serious nature would normally be submitted in writing by the complainant.
14. If warranted the specialist unit will liaise with the most appropriate senior executive to decide a course of action and where necessary make recommendations to the appropriate senior executive or Vice-Chancellor about how the matter should be handled.
15. The Senior Executive or Vice-Chancellor will determine the most appropriate process in the specific circumstances, and may appoint one or more investigators to conduct a formal investigation and submit a report to the Vice-Chancellor.
16. During the course of the investigation if the investigator is of the view that the grievance has substance, and circumstances warrant, they may refer the matter to the Vice-Chancellor. The Vice-Chancellor may invoke the University's disciplinary procedures. This may result in disciplinary action against the respondent such as formal warnings or, in the most serious cases dismissal or exclusion.

6 Roles & Responsibilities

Student Grievances within the Scope of this Policy

1. Faculty Executive Managers, Executive Deans, Associate Deans, Heads of School, Lecturers, Subject Co-ordinators, Heads of Professional Units, (Library, Student Services, ITS,



Accommodation Services, Facilities Management Division), Heads of Department and Student Residence Managers are responsible for:

- a. resolving those grievances from students that fall into their area of responsibility and decision making authority;
 - b. referring grievances to the next level of management or to a specialist unit if they have insufficient authority to implement a resolution; and
 - c. assisting complainants to identify the most appropriate resolution mechanism and referring the grievance to that person or process.
2. Casual academic staff should direct students to the next level of authority when a grievance is brought to their attention.

Staff Grievances

3. Staff with supervisory responsibility are responsible for:
- a. attempting to resolve grievances from their staff that fall into their area of responsibility and decision making authority;
 - b. referring grievances to the next level of management if they have insufficient authority to implement a resolution; and
 - c. identifying the appropriate resolution mechanism and, where necessary, referring grievances to that process.

7 Specific Responsibilities of Specialist Units

1. Specialist Units can be contacted for advice on how to manage a grievance at a local level. Serious grievances may need to be handled by the Specialist Unit. Unlawful behaviour should always be referred to the Specialist Unit.
 - 1.1. The Complaints Management Centre provides advice and refers matters related to grievances to the most appropriate area. Human Resources Division is responsible for managing grievances relating to staff and affiliates. The Student and Accommodation Services Division is responsible for managing grievances relating to students.
 - 1.2. The Student Advocacy Service offers confidential support to students who require guidance on grievances, appeals, disputes, mismanagement or misconduct by staff, affiliates or students.
 - 1.3. The Deputy Vice-Chancellor (Research & Innovation) is responsible for investigating research misconduct.
 - 1.4. The Research and Innovation Division manages acts and omissions of staff or affiliates or committees which affect the academic experience of higher degree students.
 - 1.5. The Chief Operating Officer is responsible for matters relating to maladministration, corruption, criminal offence and serious waste.
 - 1.6. The Manager Security and Security Supervisor provide support to complainants, and where appropriate respondents, and witnesses on campus where an investigator identifies a risk to personal safety, or a complainant, respondent or witness perceives a potential risk to their personal safety arising from or connected with the complaint or involvement in a complaint.



8 Requirements of Confidentiality

1. Maintaining strict confidentiality gives all parties confidence in the procedure, minimises the disruption caused by gossip and rumour, can prevent escalation of the situation and/or possible victimisation, and can minimise the risk of defamation claims.
2. It is important that the investigators of a grievance comply with the University's [Privacy Policy](#) and inform all parties of their responsibilities in relation to confidentiality:
 - 2.1. Complainants - grievances should be discussed only with investigators, support person, and with medical practitioners or counsellors who are bound by confidentiality codes. Complainants should be advised that, after lodgement of a grievance, discussion of the matter with any other person is inappropriate and not in their best interests because it may leave them open to defamation actions as well as unduly complicating the matter.
 - 2.2. Respondents – grievances should be discussed only with investigators, with their support person, and with medical practitioners or counsellors who are bound by confidentiality codes.
 - 2.3. Investigators - should obtain the consent of the complainant before disclosing their identity to others, with the exception of the respondent, unless UOW's duty of care or other obligations may be compromised if action is not taken. Investigators may discuss the matter in the context of getting advice from specialist units.
 - 2.4. Staff with supervisory responsibility - should take steps to manage situations where confidentiality has been breached. For example, where a whole workgroup or class is aware of the existence of a grievance between two colleagues, and/or where there is gossip and innuendo circulating in the group in relation to the matter, the senior manager should immediately intervene in an attempt to ensure that all discussion of the matter ceases.

9 Record Keeping

1. Records and documents created in the course of investigating the grievance should be stored and retained in accordance with UOW Records Management Policy, the State Records Act 1998, and the General Retention and Disposal Authorities GDA23 and GDA28. All parties involved in the grievance are obliged to keep records and documents in-line with preserving confidentiality and respecting privacy in accordance with the University Code of Conduct, Privacy Policy and other relevant privacy legislation.



10 Version Control and Change History

Version Control	Date Effective	Approved By	Amendment
1	17 August 2007	University Council	New policy developed to supersede Grievance Resolution Procedures.
2	6 May 2009	Vice-Principal (Administration)	Migrated to UOW Policy Template as per Policy Directory Refresh
3	9 March 2010	Vice-Principal (Administration)	Future review date identified in accordance with Standard on UOW Policy
4	26 August 2010	Vice-Principal (Administration)	Updated to reflect divisional name change from Personnel Services to Human Resources Division
5	28 February 2011	University Council	References updated to reflect the rescission of the Code of Practice - Students
6	16 January 2012	Vice-Principal (Administration)	Updated to reflect divisional name change from Buildings and Grounds to Facilities Management Division
7	30 Nov 2012	Vice-Principal (Administration)	Updated to reflect change from OHS to WHS.
8	11 September 2013	Chief Administrative Officer	Updated to reflect title change from VP(A) to CAO.
9	13 February 2014	Deputy Vice-Chancellor (Education)	Updated to reflect change from Dean of Students to Student Ombudsman
10	21 April 2017	Chief Administrative Officer	Review and update, including removal of references to EED unit.
11	21 July 2017	Vice-Chancellor	Minor amendments to definitions, responsibilities and record keeping requirements.
12	1 May 2020	Chief Operating Officer	Administrative amendment to update Senior Executive titles.
13	18 December 2020	Chief Operating Officer	Administrative amendments to reflect divisional and faculty realignments.