

<b>Name of Policy</b>	<b>Staff Complaints Management Policy</b>
<b>Description of Policy</b>	This policy outlines the support available to staff members who wish to lodge a workplace complaint, and the procedures followed by the University.
<b>Policy applies to</b>	<input checked="" type="checkbox"/> University-wide <input type="checkbox"/> Specific ( <i>outline location, campus, organisational unit etc.</i> ) <hr/> <input checked="" type="checkbox"/> Staff Only <input type="checkbox"/> Students Only <input type="checkbox"/> Staff and Students
<b>Policy Status</b>	<input type="checkbox"/> New Policy <input checked="" type="checkbox"/> Revision of Existing Policy

<b>Approval Authority</b>	Vice-Chancellor and President
<b>Governing Authority</b>	Chief Operating Officer
<b>Responsible Officer</b>	Director, Human Resources

<b>Approval Date</b>	1 June 2008
<b>Effective Date</b>	1 June 2008
<b>Date of Last Revision</b>	9 April 2019
<b>Effective Date of Last Revision</b>	9 April 2019
<b>Date of Policy Review*</b>	9 April 2022

\* Unless otherwise indicated, this policy will still apply beyond the review date.

<b>Related Policies, Procedures, Guidelines and Local Protocols</b>	Australian Catholic University Code of Conduct for All Staff Discrimination and Harassment Policy Employee Assistance Program Misconduct and Serious Misconduct Policy Work, Safety and Wellbeing Policy Workplace Bullying Policy and Procedure Protected Disclosures Policy
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### 1. Background Information

In line with ACU's mission 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 All Staff.

### 2. Policy Statement

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

2.2 The University provides these procedures through which staff can have a workplace complaint addressed.

2.3 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 these procedures.

### 3. Policy Purpose

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

### 4. Application of Policy

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.

## 5. Workplace Complaints: Principles and Procedures

### 5.1 What is a Workplace Complaint?

A Workplace Complaint means a complaint from a staff member concerning treatment in the 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 complaint(s), then each complainant will be managed separately.

### 5.2 Vexatious claims and claims made without reasonable cause:

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

Vexatious means that:

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

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

- so obviously untenable that the claim cannot possibly succeed;
- manifestly groundless;
- insufficiently particularised.

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.

### 5.3 Principles of Managing Workplace Complaints

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

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

- complaints are addressed sensitively, promptly and in accordance with relevant University policy and principles of natural justice;
- all reasonable steps are taken to respect the confidentiality of the people involved in a complaint process;
- 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;
- appropriate records are maintained throughout the resolution process;
- persons who notify complaints are protected from victimisation or reprisal; and
- 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.
- persons who notify a complaint are:
  - 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;
  - regularly informed of the progress of the matter;

- informed of the consequences of any finding i.e. whether or not the complaint is substantiated.

## 5.4 Procedures

5.4.1 Staff members should normally raise a complaint with their nominated supervisor and attempt to resolve such claims locally and informally.

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 to Human Resources, using the [online form](#) which may be accessed at the web page:

[http://www.acu.edu.au/about\\_acu/our\\_university/contact/complaints\\_and\\_feedback/complaints](http://www.acu.edu.au/about_acu/our_university/contact/complaints_and_feedback/complaints). Human Resources will then record the lodgement of the complaint in the University Register of Staff Complaints.

5.4.2 The relevant Member of the Executive in consultation with the Director HR may attempt to conciliate or mediate the matter, by agreement with the parties, or appoint an appropriate independent (internally or externally appointed) person who will investigate the matter to make findings of fact. The relevant Member of the Executive may also determine that the complaint will be dealt with under a separate policy, or dismiss the complaint on grounds of it being vexatious or made without reasonable cause.

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

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

## 5.5 Outcomes and Referral

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:

- Counsel the staff member involved on their behaviour and the findings made as a result of the investigation;
- Commence disciplinary action in accordance with Section 7 of the ACU Staff Enterprise Agreement 2017 – 2021 (or its successor), which could lead to disciplinary action being taken, including termination of employment;
- Take some other form of appropriate action; or
- Take no further action.

# 6. Confidentiality and Victimisation

6.1 The parties to a complaint are required, at all stages of this policy and procedure, 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 2017 - 2021 (or its successor) or a qualified counsellor.

**6.2** 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.

**6.3** 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.

## 7. Revisions made to this Policy

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 Australian Catholic University Staff Enterprise Agreement 2017 – 2021 and Service Central.

From time to time the University may make changes to this policy to improve the effectiveness of its operation.

## 8. Further Assistance

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](#).