

COMPLAINTS BY STAFF POLICY

Authorised By: as part of the University of Adelaide
Enterprise Certified Agreement 2005-2006

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Related Documents: [Complaints by Staff Guidelines](#)
[Complaints by Staff Toolkit](#)
[Close Personal Relationships Policy](#)
[Fair Treatment Policy](#)
[Fair Treatment Guidelines](#)
[Code of Conduct](#)
[The University of Adelaide Enterprise Certified Agreement 2005-2006](#), including:

- Definitions of Termination Of Employment
- Notice of Termination of Employment
- Unsatisfactory Performance
- Misconduct/Serious Misconduct

Disability Discrimination Act 1992 (Cth)
Equal Opportunity Act 1984 (SA)

Implementation & Review: Human Resources

Superseded Documents: Individual Staff Grievance Procedures
Sexual Harassment Complaint Resolution Procedures

Any person who requires assistance in understanding any aspect of this document should contact Human Resources on ext 35666.

1 OVERVIEW

The University of Adelaide is committed to providing staff with a supportive work environment.

This Policy allows the University to deal with complaints from staff members about the behaviour of other staff members, or matters that adversely affect their ability to work productively in a positive environment. The University has a legal responsibility to ensure that staff members are not subjected to unlawful discrimination, harassment, victimisation or

bullying. The complaint resolution process aims to resolve staff complaints fairly, with an emphasis on resolving conflict at the local level and improving working relations.

The Policy does not reduce the rights of an individual under State and Federal law to pursue a complaint through an external agency. However, once an external agency has been engaged the external agency's process will take precedence.

2 SCOPE

This Policy applies to University of Adelaide staff members with a complaint relating to:

(i) **Decisions, processes or actions** by staff members of the University. This might include issues related to workload or allocation of tasks, breaches of other University policies,

(ii) **Interpersonal conflict**,

(iii) **Unlawful discrimination, harassment, victimisation** and **bullying** by University staff.

Where possible, this Policy will be used to deal with a complaint against a person who is not a University staff member or student but who is involved in a University-related activity in a formal capacity.

Complaints under the Sexual Harassment Policy will be considered under the guidelines to this policy, which will replace the Sexual Harassment Complaint Resolution Procedures.

This Policy does not cover complaints relating to:

- Behaviour of staff toward students, which is covered by the University's Student Complaints Policy,
- Racial discrimination, which is covered by the University's Anti-Racism Policy,
- Complaints being considered under any other University policy where there is an appeal process (e.g. promotion, tenure, misconduct or serious misconduct),
- Complaints being considered under State or Federal legislation or by any external agency.

3 DEFINITIONS

Bullying includes threats, verbal abuse, sarcasm, coercion and ostracism that humiliates or intimidates individuals or groups of workers. See also [Fair Treatment Guidelines](#).

Complainant is the aggrieved person who has made a complaint.

Facilitation is a process in which a third party assists the parties involved to identify the problems to be resolved, acknowledges injured feelings and identifies the positive opportunities emerging through the interactions, and actively encourages them to accept an offer of resolution. The focus is on acknowledging the feelings of the parties so they can focus on the actions needed to restore the working relationship.

Grievance or **complaint** is the notice of an occurrence in connection with an endorsed University of Adelaide activity, on or off campus, that a staff member or titleholder believes adversely affects their work.

Harassment is unwelcome and offensive or intimidating behaviour or comments. Harassment can include being subjected to unwelcome and offensive images. See also [Fair Treatment Guidelines](#).

Ill-founded complaints are those deemed to be mischievous, frivolous, malicious, misconceived, lacking in substance, or containing spurious information.

Investigator is a person nominated by the supervisor to investigate the facts of the complaint and make a recommendation for action.

Mediation is a process in which a third party (the **mediator**), acts as an intermediary between the opposing parties and intercedes on behalf of the other party in order to assist all parties reach a resolution.

Natural justice or **procedural fairness** includes the right to be heard, the right to be treated without bias, the right to be informed of allegations being made and provided with an opportunity to respond to them.

Resolution means an outcome to which all parties are able to agree and the resources are available to implement.

Respondent means the person against whom the complaint has been made.

Staff member includes any employee of the University of Adelaide.

Supervisor as used in this policy refers to staff who have responsibility for the management of staff.

Unlawful discrimination involves unfair and inequitable treatment on the basis of a person's gender, sexuality, marital status, pregnancy, race, national origin, ethnic origin, disability, age, religion, trade union activity or criminal record that is irrelevant to the nature of their work.

Victimisation means treating someone unfairly because they have acted on the rights given them by law, or because they have supported someone else who acted on those rights. See also [Fair Treatment Guidelines](#).

4 POLICY PRINCIPLES

4.1 The University is committed to maintaining a fair and productive work environment, and all staff members are expected to behave in a professional manner that respects the rights of others and contribute to an environment that is free from unlawful discrimination and harassment.

4.2 The University supports the right of any staff member to make a legitimate complaint without suffering any victimisation, harassment, recrimination, or detriment as a result.

4.3 Supervisors have industrial and legal responsibilities to take all reasonable steps to identify and attempt to prevent and resolve problems in the workplace.

4.4 Complaints will be treated promptly, confidentially and according to the principles of natural justice to establish whether the individual may legitimately be considered to be aggrieved.

4.5 Wherever possible, complaints will be resolved locally, informally and with the fewest people possible involved, to protect the reputation of the individuals involved, minimise the possibility of defamation litigation and assist the return to a productive working relationship.

4.6 Complaint resolution aims to find an outcome that minimises detriment to ongoing relationships rather than making a finding or allocating blame.

4.7 Complaints will be resolved through discussion, raising awareness, facilitation, and mediation, wherever possible. A mediator agreed between the parties, will be engaged to assist with conflict resolution if necessary. The mediator may be a University staff member or from an external organisation. (See [Staff Complaints Toolkit](#))

4.8 Complainants and respondents may have a support person involved at every stage of the complaints resolution process, but may not have a representative make or pursue a complaint on their behalf.

4.9 Where the complainant is not satisfied with the outcome of a formal complaint, they may seek a review of the resolution. The request for the review must be lodged within 20 days of receipt of the notification of resolution. The outcome of the review will be final.

4.10 Ill- founded complaints that are misconceived, or lack substance, will not be pursued by the University.

4.11 Unlawful discrimination, harassment, victimisation or bullying can lead to disciplinary action on the grounds of misconduct, or serious misconduct. Complaints that are malicious, or intended to intimidate or harass the respondent can lead to disciplinary action against the complainant on the grounds of misconduct, or serious misconduct.

4.12 Appropriate notes will be kept to enable monitoring of the resolution and then destroyed according to the guidelines attached to this policy.

5 RESPONSIBILITIES

Role	Accountability
Supervisors	<ul style="list-style-type: none">· Resolve complaints of their staff through appropriate management practices.· Maintain a record of actions and decisions.· Take all reasonable steps to prevent unlawful discrimination and harassment, victimisation and bullying.
Support person	<ul style="list-style-type: none">· Provide advice and support to the staff member involved.

Respondents	<ul style="list-style-type: none"> · Participate actively in attempts to resolve complaints. · Refrain from victimising or harassing any complainant, or others involved in resolving the complaint.
Human Resources	<ul style="list-style-type: none"> · Promote, administer, monitor, evaluate and report on this Policy. · Provide appropriate management training for University staff. · Provide professional advice on the issues related to management of the conflict, possible approaches and the implications of courses of action.
Vice-Chancellor or nominee	<ul style="list-style-type: none"> · Receive requests for and authorise the review of the proposed resolution of a complaint.

6 COMMUNICATION

6.1 The General Manager, Human Resources is responsible for promulgating this Policy to all relevant staff.

6.2 This policy will be available through the Human Resources website and University Policies website.