

COMPLAINT RESOLUTION (STAFF) PROCEDURE

1. OVERVIEW
2. SCOPE AND APPLICATION
3. PRINCIPLES
4. PROCEDURES
5. DEFINITIONS
6. RELATED DOCUMENTS AND POLICIES
7. WEB LINKS

1. OVERVIEW

The University does not tolerate or condone unlawful and/or unfair treatment. The University is committed to providing a work environment which is aligned with the [Code of Conduct](#) and our values of Honesty, Respect, Fairness, Discovery and Excellence. An environment which is safe and productive enables staff to achieve their goals and contribute fully to the achievement of the University's strategic objectives.

Complaints can have a significant effect on individual staff and the morale and productivity of the environment in which they work.

This procedure aims to remove barriers to reporting complaints and encourages open dialogue to resolve complaints. It provides guidance to staff and prescribes methods by which staff are empowered to report unlawful and unfair treatment, act on, seek support for, and resolve complaints that may otherwise impact adversely on interpersonal relationships, staff health and welfare, work environment and productivity.

This procedure constitutes the Staff Complaints Procedure named in clause 8.4 of the [University of Adelaide Enterprise Agreement 2017-2021 \(as amended\)](#), and forms part of the [Behaviour and Conduct Policy](#).

2. SCOPE AND APPLICATION

2.1. This procedure applies to:

- 2.1.1. All University staff;
- 2.1.2. The conduct of staff, whilst participating in University related activities, both on-site at University facilities and off-site;
- 2.1.3. Complaints relating to unfair treatment, including unlawful discrimination, harassment, [victimisation](#) and bullying;
- 2.1.4. Interpersonal conflict;
- 2.1.5. Matters that impact on the staff member's ability to work effectively or productively;

2.2. This procedure does not apply to:

- 2.2.1. Reasonable management action and/or management decisions taken in a reasonable manner;

Behaviour and Conduct Handbook	Complaint Resolution Procedure	Effective Date:	30 March 2020	Version 1.0
Authorised by	Chief Operating Officer	Review Date:	30 March 2023	Page 1 of 10
Warning	This process is uncontrolled when printed. The current version of this document is available on the HR Website.			

- 2.2.2. Any complaints that arise under a University Policy or Procedure to which a staff member has a right to request a review under the provisions of clause 8.3 of the Enterprise Agreement.
- 2.2.3. Disputes about the interpretation, application or operation of the Enterprise Agreement to which the dispute settlement procedures detailed in clause 8.5 of the Enterprise Agreement apply;
- 2.2.4. Complaints by or about students. Student grievances are managed under the [Student Grievance Resolution Process](#), student reports of inappropriate, concerning or threatening behaviour are made via the [Safer Campus Community website](#);
- 2.2.5. Complaints raised by or about titleholders, visitors, or contractors, or anyone who is not a staff member of the University;
- 2.2.6. Complaints related to the procedure for applying for academic promotion and the promotion of academic staff;
- 2.2.7. Complaints raised for the first time more than 12 months after the event or incident occurring, unless [extenuating circumstances](#) exist and there is a compelling reason to proceed;
- 2.2.8. Anonymous complaints.
- 2.2.9. A serious matter under clause 2.3 which must be handled under an alternative process.

2.3. Serious matters that are handled under an alternative process

- 2.3.1. In the event that a complaint is raised that is so serious that it could amount to misconduct, serious misconduct, fraud, corruption, criminal or unlawful conduct, or a breach of the Australian Code for the Responsible Conduct of Research:
 - 2.3.1.1. The person to whom the complaint is raised will consult their [HR Advisor](#) who will provide information to them and the complainant about alternative processes, which may include reporting the matter to the police;
 - 2.3.1.2. The matter must be referred for further action by the University, for example under the disciplinary procedures for misconduct and serious misconduct in accordance with clause 8.2 of the Enterprise Agreement or the [Research Misconduct Procedure](#) or the [Fraud and Corruption Control Policy](#);
 - 2.3.1.3. The [HR Advisor](#) must inform the [complainant](#) of the proposed course of action. The complainant may be called upon to provide information to an investigation undertaken under an alternative process;
 - 2.3.1.4. Any University process commenced under 2.3.1.2 may be paused whilst an investigation is undertaken by an external agency, and may be resumed at the conclusion of the external process.
- 2.3.2. Where a staff member reasonably suspects a matter to involve corruption, or serious or systemic misconduct or maladministration in public administration by a member of the University community, they are obliged under the [Independent Commissioner Against Corruption Act 2012](#) to report the matter to the [Office for Public Integrity \(OPI\)](#).
- 2.3.3. Staff disclosing wrongdoing, including '[public interest disclosures](#)' may be protected under the [Public Interest Disclosure Act 2018 \(SA\)](#). Protected disclosures will be managed under the University's [Whistleblower Policy](#).

3. PRINCIPLES

- 3.1. The University encourages staff to raise complaints without fear of reprisal and will take appropriate action to protect staff from [victimisation](#) and/or disadvantage.
- 3.2. Matters raised under this procedure will be treated sensitively, confidentially (where appropriate) and impartially, and the parties will be afforded the principles of [procedural fairness](#).
- 3.3. Complaints must be made in good faith.
- 3.4. Complaints which are ill-founded or for which there is insufficient detail or evidence to proceed or for which there is no reasonable expectation of a satisfactory resolution, will be closed. The complainant will be notified in writing with the stated reasons why no further action will be taken.

Behaviour and Conduct Handbook	Complaint Resolution Procedure	Effective Date:	30 March 2020	Version 1.0
Authorised by	Chief Operating Officer	Review Date:	30 March 2023	Page 2 of 10
Warning	This process is uncontrolled when printed. The current version of this document is available on the HR Website.			

- 3.5. Subject to a request for an extension of time due to [extenuating circumstances](#), complaints must be raised as soon as possible and no later than 12 months after the events or circumstances that give rise to the complaint.
- 3.6. The University aims to effectively manage all complaints and update the parties to a complaint in a timely manner.
- 3.7. The University may take [direct action](#) to investigate a matter or report criminal or unlawful conduct.
- 3.8. Staff are encouraged to seek assistance when raising a complaint. For information about what constitutes fair treatment, staff may contact a [Fair Treatment Contact Officer](#). For advice about raising a complaint or the Complaint Resolution (Staff) Procedure staff may contact their [HR Advisor](#).
- 3.9. Parties to a complaint may have a [support person](#) present at any stage of the process.
- 3.10. Staff may access confidential counselling services through the University's [Employee Assistance Program \(EAP\)](#).
- 3.11. Staff may seek assistance from and/or lodge a complaint through an external agency at any time. A process under this procedure may pause if an external agency is engaged to resolve the complaint.
- 3.12. A complaint process under this procedure may be paused during an external agency investigation by the Police, the Office of Public Integrity (OPI) or other relevant authority, and may be resumed at the conclusion of the external process.
- 3.13. A staff member may at any time, withdraw a complaint raised under this procedure by notifying their [supervisor](#).
- 3.14. If a complaint raised under this procedure is found to be [vexatious, malicious or frivolous](#) it will be referred to the Executive Director Human Resources (or delegate). The University may take action against the complainant under clause 8.2 of the **Enterprise Agreement** which could result in disciplinary action, up to and including termination of employment.

4. PROCEDURES

Staff members may resolve their complaints through informal or formal complaint resolution procedures. Informal processes allow a complainant to resolve the complaint themselves or with assistance (usually from their [supervisor](#)) and are generally suited to less complex complaints which can be resolved in a straightforward and timely way.

4.1. Self-Resolution

- 4.1.1. [Self-resolution](#) allows [complainants](#) to bring a complaint to the attention of the [respondent](#) directly and attempt to resolve the issue themselves.
- 4.1.2. [Complainants](#) should keep an open mind and focus on a positive outcome. Prior to attempting [self-resolution](#), [complainants](#) are encouraged to seek support and/or confidential advice from their [HR Advisor](#) to enable them to approach the matter with the [respondent](#).
- 4.1.3. In attempting to resolve the complaint themselves, the [complainant](#) should:
- 4.1.3.1. Explain the conduct/issue that has caused the problem and why they feel aggrieved;
 - 4.1.3.2. Ask the [respondent](#) to stop the behaviour that has caused the complaint;
 - 4.1.3.3. Provide the respondent with an opportunity to respond;
 - 4.1.3.4. Listen to and try to understand the respondent's point of view;
 - 4.1.3.5. Explore options for resolution with the [respondent](#); and
 - 4.1.3.6. Attempt to mutually agree a resolution to the complaint with the [respondent](#).

4.2. Assisted Resolution

Behaviour and Conduct Handbook	Complaint Resolution Procedure	Effective Date:	30 March 2020	Version 1.0
Authorised by	Chief Operating Officer	Review Date:	30 March 2023	Page 3 of 10
Warning	This process is uncontrolled when printed. The current version of this document is available on the HR Website.			

- 4.2.1. [Assisted resolution](#) is an alternative informal complaint resolution process. [Assisted resolution](#) allows the complainant to seek the assistance of another party to help resolve their complaint.
- 4.2.2. [Assisted resolution](#) is an appropriate method of resolution if:
- 4.2.2.1. The [complainant](#) is not willing or does not feel able to attempt [self-resolution](#);
 - 4.2.2.2. The complainant's attempt to resolve the issue themselves was unsuccessful;
 - 4.2.2.3. The [respondent](#) was unwilling to participate in the complainant's attempt at [self-resolution](#);
 - 4.2.2.4. The parties to the complaint were unwilling or unable to agree a suitable resolution.
- 4.2.3. Assistance in resolving complaints is usually provided by the complainant's [supervisor](#).
- 4.2.4. The complainant or their [supervisor](#) may ask an [HR Advisor](#) for advice on the [assisted resolution](#) process.
- 4.2.5. The [complainant](#) must consider what resolution they seek and they must tell the [supervisor](#) what they want to happen to resolve their complaint.
- 4.2.6. The [supervisor](#) will assess the facts and any evidence presented to them by the complainant and discuss the proposed resolution with the complainant, to identify the best approach to resolve the complaint.
- 4.2.7. The [supervisor](#) will attempt to resolve the complaint by:
- 4.2.7.1. Explaining to the [respondent](#) the conduct/issue that has caused a problem or aggrieved the [complainant](#); and
 - 4.2.7.2. Providing the [respondent](#) with an opportunity to consider the information and respond or provide an explanation in reply; and
 - 4.2.7.3. Trying to understand and consider the differing points of view of the [complainant](#) and [respondent](#).
- 4.2.8. If the complaint is against their [supervisor](#), the complainant may approach their [supervisor's supervisor](#) and request their assistance in resolving the complaint as outlined above.
- 4.2.9. In attempting to facilitate resolution of a complaint a [supervisor](#) may:
- 4.2.9.1. Present options to resolve the issue with the respondent and complainant (either separately or together) and record how the complaint has been resolved; and/or
 - 4.2.9.2. Recommend to the respondent that they modify or cease the behaviour which has aggrieved the complainant; or, if reasonable, direct the respondent to modify or cease the behaviour; and/or
 - 4.2.9.3. Where agreed by both parties, initiate agreed actions; or
 - 4.2.9.4. Determine that the complaint is not appropriate for an informal process and request the complainant to put the complaint in writing in a [formal complaint resolution process](#); or
 - 4.2.9.5. Close the matter immediately, on the grounds that it is [ill-founded](#), there is insufficient detail or evidence to proceed, or there is no reasonable expectation of a satisfactory resolution; or
 - 4.2.9.6. Refer the matter to an alternative process as referred to in clause 2.3 of this procedure.
- 4.2.10. The [supervisor](#) must document the complaint, any agreement between the parties, directions made or [interventions](#) taken and should monitor the resolution to prevent recurrence.
- 4.2.11. After the proposed actions have been taken and/or following sufficient monitoring, if the [supervisor](#) is satisfied that the matter has been resolved, they will:
- 4.2.11.1. Close the complaint and notify the parties in writing; and
 - 4.2.11.2. Retain a record of the complaint and resolution process and store it locally and securely.

4.3. Complaints Which Proceed to a Formal Process

- 4.3.1. The [supervisor](#) or [HR Advisor](#) may recommend and/or the [complainant](#) may request that the complaint be addressed formally where:

Behaviour and Conduct Handbook	Complaint Resolution Procedure	Effective Date:	30 March 2020	Version 1.0
Authorised by	Chief Operating Officer	Review Date:	30 March 2023	Page 4 of 10
Warning	This process is uncontrolled when printed. The current version of this document is available on the HR Website.			

- 4.3.1.1. The complaint is still open and remains unresolved following an informal process;
 - 4.3.1.2. The complainant and/or respondent were unable or unwilling to resolve the complaint themselves or through [assisted resolution](#);
 - 4.3.1.3. The complainant and/or respondent were unwilling to commit to the proposed actions;
 - 4.3.1.4. The complaint is deemed serious, sensitive or complex; and/or
 - 4.3.1.5. The [supervisor](#) decides that the complaint requires further investigation.
- 4.3.2. For a complaint to be investigated under a formal process, it must be detailed in writing. Complainants may seek guidance from their [HR Advisor](#) and/or use the template available on the HR website for detailing their complaint and the remedy they are seeking.

4.4. Formal Complaint Resolution

- 4.4.1. A formal complaint resolution process requires the complainant to relinquish management of the complaint to their [supervisor](#).
- 4.4.2. The complainant is required to put their complaint in writing and provide:
 - 4.4.2.1. Adequate information and evidence to allow for effective [investigation](#) of the complaint; and
 - 4.4.2.2. Sufficient detail to describe precisely what the complainant wants to see done to resolve the complaint.
- 4.4.3. In addition to putting the complaint in writing to their [supervisor](#) (or their [supervisor's supervisor](#) if the complaint is about their [supervisor](#)) the complainant is required to cooperate fully and share any information that they have with the [supervisor](#) so that the issue may be resolved.
- 4.4.4. On receipt of a formal complaint, the [supervisor](#) will inform their [HR Advisor](#) and forward a copy of the complaint to HR who will keep a record.
- 4.4.5. The [supervisor](#) or [HR Advisor](#) will advise the staff member about:
 - 4.4.5.1. Their responsibilities for [confidentiality](#);
 - 4.4.5.2. The relevant steps in the formal complaint resolution process;
 - 4.4.5.3. The timeliness of the process.

4.5. Initial Assessment

- 4.5.1. When a [supervisor](#) is presented with a complaint that has not been assessed as part of an informal process, in consultation with their [HR Advisor](#) they will make an [initial assessment](#) of the complaint to determine if the matter warrants further enquiry and to inform if a formal investigation process should be conducted;
- 4.5.2. After concluding their initial assessment, if the [supervisor](#) is satisfied that the complaint is well-founded but does not require further investigation, they may seek to resolve the matter with the parties and may:
 - 4.5.2.1. Advise the complainant of their recommendation for resolution of the complaint; and
 - 4.5.2.2. Provide the respondent with details of the complaint raised and the proposed resolution; and
 - 4.5.2.3. Provide the respondent with a reasonable opportunity to respond and provide relevant information and/or evidence; and
 - 4.5.2.4. Implement an appropriate intervention, which may include [mediation](#) with an independent mediator, attending training and/or coaching or an alternative complaint resolution process.
- 4.5.3. The complaint will be resolved if the complainant agrees to the proposed resolution, in which case the [supervisor](#) will close the complaint.
- 4.5.4. The [supervisor](#) will provide a copy of any correspondence to the [HR Advisor](#) who will keep a record.

Behaviour and Conduct Handbook	Complaint Resolution Procedure	Effective Date:	30 March 2020	Version 1.0
Authorised by	Chief Operating Officer	Review Date:	30 March 2023	Page 5 of 10
Warning	This process is uncontrolled when printed. The current version of this document is available on the HR Website.			

- 4.5.5. During the initial assessment, if the [supervisor](#) identifies serious matters that may amount to an allegation of misconduct, serious misconduct, research misconduct, fraud, or illegal activity they will:
- 4.5.5.1. Refer the matter to the [HR Advisor](#) for misconduct investigation or referral to other relevant University processes; and
 - 4.5.5.2. Notify the complainant of the decision to refer the matter for investigation under the University's misconduct or other process; and
 - 4.5.5.3. Close the complaint.

4.6. Investigation

Where, following their [initial assessment](#), the [supervisor](#) decides that the complaint is not capable of resolution without further investigation they will, on advice from HR, recommend to the Head of School/Branch or Area Manager, that an [investigator](#) be appointed.

- 4.6.1. The Head of School/Branch or Area Manager will consider the recommendation of the supervisor and, with the advice of Human Resources, determine whether an investigator should be appointed and select and appoint an investigator.
- 4.6.2. The [investigator](#) will conduct a fact finding investigation, providing [procedural fairness](#), and will pursue all reasonable and relevant lines of inquiry, including but not limited to:
 - 4.6.2.1. Conducting an interview with the complainant to clarify the facts and identify the complainant's preferred resolution for the complaint;
 - 4.6.2.2. Collecting relevant evidence and information about the complaint;
 - 4.6.2.3. Providing the respondent with details of the complaint and a reasonable opportunity to respond to the complaint and/or provide relevant information;
 - 4.6.2.4. Conducting interviews with witnesses (as required);
- 4.6.3. Any person interviewed under this procedure may be accompanied by a [support person](#).
- 4.6.4. The [investigator](#) will determine the facts pertaining to the complaint and whether, on the [balance of probability](#), the complaint is substantiated, either in full or in part, basing their assessment on both the information provided by the complainant and evidence gathered in the course of the investigation.
- 4.6.5. At the conclusion of the investigation, the investigator will provide the [supervisor](#), through Human Resources, with a written report in accordance with clause 4.7.

4.7. Report Findings

- 4.7.1. The investigator's report will:
 - 4.7.1.1. Provide details of the investigation that was conducted;
 - 4.7.1.2. Advise whether the complaint is substantiated, either in full or in part and provide sufficient information to demonstrate the basis on which the finding was reached; and
 - 4.7.1.3. Make recommendations for appropriate actions which may be taken to resolve the complaint.
- 4.7.2. The report and information gathered in the course of the investigation, will not be provided to the complainant or respondent.

4.8. Decision

- 4.8.1. The [supervisor](#), seeking advice from Human Resources as required, will consider the report findings and recommendations and will make a decision on the preferred approach to resolve the complaint.
- 4.8.2. The [supervisor](#) will write to the complainant and respondent, detailing the investigation's findings along with their decision and proposed complaint resolution actions.
- 4.8.3. The [supervisor](#) will provide the complainant and respondent with an opportunity to respond and/or to agree to the proposed complaint resolution within a stated timeframe.
- 4.8.4. The [supervisor](#) will consider the responses of the parties prior to determining the outcome of the complaint and/or implementing any complaint resolution.

Behaviour and Conduct Handbook	Complaint Resolution Procedure	Effective Date:	30 March 2020	Version 1.0
Authorised by	Chief Operating Officer	Review Date:	30 March 2023	Page 6 of 10
Warning	This process is uncontrolled when printed. The current version of this document is available on the HR Website.			

- 4.8.5. If the parties do not respond within the stated timeframe, the proposed actions to determine or resolve the complaint will proceed.
- 4.8.6. The [supervisor](#) should forward a copy of all correspondence, including any responses of the parties to the [HR Advisor](#) who will maintain a record.
- 4.8.7. If the complaint is not substantiated or is [ill-founded](#), on receipt of the report the [supervisor](#) will:
- 4.8.7.1. Notify the parties of the finding of the investigation;
 - 4.8.7.2. Close the complaint; and
 - 4.8.7.3. Forward a copy of the correspondence to the [HR Advisor](#), who will save a copy.
- 4.8.8. If the complaint is found to be [vexatious, malicious or frivolous](#), the [supervisor](#) will provide a copy of the report to the Executive Director, Human Resources (or delegate) and the complainant may be subject to disciplinary action.

4.9. Complaint Resolution

The [supervisor](#) will determine the actions or remedies to be taken to resolve a complaint formally. Where both parties agree on a complaint resolution process, including [mediation](#), they are expected to actively participate in that process in good faith.

4.10. Closing a Formal Complaint

At the conclusion of any complaint resolution process, the [supervisor](#) will take all reasonable steps to ensure that:

- 4.10.1. The proposed complaint resolution actions have been taken; and
- 4.10.2. There has been no recurrence of the issue that was the subject of the complaint (if relevant); and
- 4.10.3. The parties have been advised that the matter is closed; and
- 4.10.4. The [HR Advisor](#) is provided with a copy of the correspondence for recording.

4.11. Confidentiality

Parties to the complaint are required to maintain confidentiality and should not discuss the complaint with staff or students, except where necessary to:

- 4.11.1. Provide information to their [supervisor](#) or investigator;
- 4.11.2. Respond in an investigation; or
- 4.11.3. For the purpose of participating in the complaint resolution process.

4.12. Documentation and Record Keeping

- 4.12.1. Records of formal complaints will be maintained confidentially, stored centrally and securely by Human Resources. Where required for external reporting purposes, data will be de-identified to protect the identities of the parties to the complaint, unless required by law.
- 4.12.2. Records of informal complaints will be saved and stored locally and securely.

4.13. Review

- 4.13.1. The resolution of a staff complaint is only subject to review by an internal reviewer under clause 8.3 of the Enterprise Agreement if it relates to a complaint under clause 5.4.6.2 of the Enterprise Agreement which relates to academic workload allocation.
- 4.13.2. To apply for a review of a complaint resolution about academic workload allocation, the staff member must submit a written application to the Deputy Vice-Chancellor/Vice President, meeting the requirements set out in clause 8.3.12 of the Enterprise Agreement

5. DEFINITIONS

Area Manager

Means Deputy Vice-Chancellors, Vice Presidents, Pro-Vice Chancellors, Executive Deans, Executive Director Human Resources, Chief Executive of External Relations (and a person acting in these positions) and Institute Directors.

Behaviour and Conduct Handbook	Complaint Resolution Procedure	Effective Date:	30 March 2020	Version 1.0
Authorised by	Chief Operating Officer	Review Date:	30 March 2023	Page 7 of 10
Warning	This process is uncontrolled when printed. The current version of this document is available on the HR Website.			

Assisted Resolution

A supported complaint resolution process, through which the complainant seeks the assistance of another party to help resolve their complaint. Assistance in resolving complaints is usually provided by the staff member's supervisor, or their supervisor's supervisor (if the complaint is with their supervisor).

Balance of Probability

A civil law standard of proof which requires that, on the weight of evidence, it is more probable than not that the matter/events about which the complaint was raised did occur.

Complainant

The aggrieved staff member who has raised a complaint under this procedure.

Direct Action

The action that the University takes when it becomes aware of matters that are serious and it is compelled to take direct action. The investigation of serious matters, including criminal or unlawful conduct does not require a complaint to be raised for the University to take direct action.

Enterprise Agreement

means the University of Adelaide Enterprise Agreement 2017-2021

Extenuating Circumstances

Extenuating Circumstances allow the University to grant an extension where more than 12 months has elapsed since the event or circumstances that gave rise to the complaint, or since the most recent event occurring in a sequence of events. An extension will only be permitted if the delay in raising a complaint is justified and/or there is a compelling reason to accept the complaint.

Fair Treatment Contact Officer (FTCO)

Staff who are appointed and trained to assist staff with enquiries about discrimination, sexual harassment and/or bullying. FTCOs are volunteers trained in various University Policies, procedures and guidelines which establish and define the behavioural expectations of staff of the University of Adelaide.

FTCOs will listen to staff who are aggrieved, explain the procedural options available under the complaint resolution procedure, maintain the confidentiality of the complainant and assist complainants in obtaining specific advice from their [HR Advisor](#), if required.

An FTCO cannot act as a [support person](#) or advocate for a complainant or respondent.

Formal Complaint Resolution

A formal complaint resolution process may be used to resolve complaints where an informal process is unsuccessful, on the recommendation of the supervisor or HR, or on receipt of a written complaint. It is the supervisor's responsibility to manage a formal complaint, or if the complaint is about the supervisor, the supervisor's supervisor will manage the complaint formally.

Frivolous

Frivolous complaints are those that have no basis in fact.

Head of School/Branch Head

The staff member who has delegated responsibility for management of a School or Branch of the University, and who provides the point of escalation in the Complaint Resolution (Staff) Procedure.

Ill-Founded Complaints

A complaint which lacks substance, or for which there is insufficient detail or evidence to proceed, or where there is no reasonable expectation of a satisfactory resolution. When it is established that a complaint is ill-founded, the complaint will be closed with no further action taken.

Interventions

Behaviour and Conduct Handbook	Complaint Resolution Procedure	Effective Date:	30 March 2020	Version 1.0
Authorised by	Chief Operating Officer	Review Date:	30 March 2023	Page 8 of 10
Warning	This process is uncontrolled when printed. The current version of this document is available on the HR Website.			

An intervention is any action taken to resolve a complaint and prevent recurrence and may include mediation, training, coaching and any other complaint resolution process nominated by the supervisor.

Initial Assessment

A process of collecting facts and evidence from the complainant and, where appropriate the respondent, to identify how to proceed to resolve the complaint, which may include:

- a. Further investigation
- b. Referral of the matter to another process;
- c. Closure of the complaint
- d. Initiating steps to resolve the complaint.

Investigator

A suitably skilled/qualified person who is nominated to conduct an investigation of a complaint. An investigator may be a staff member of the University who works in a different work area to the complainant and respondent who is at least HEO8 or Level D and does not have a personal interest in the complaint. Alternately, the supervisor, on advice from HR, may nominate a suitably experienced external investigator.

Malicious

A malicious complaint is unfounded and is made with the intent of causing harm to another party/parties.

Mediation

Mediation is an effective dispute resolution method and is a voluntary and confidential process to resolve complaints. A neutral third party (the mediator) assists the parties to the complaint to find common ground and reach an agreement or a way forward to resolve the complaint. Mediation is voluntary, and to be successful, all parties to the mediation must be willing to fully participate.

Parties to a complaint

The complainant(s) and respondent(s) in a complaint process.

Procedural Fairness

Procedural fairness is also referred to as natural justice and is the procedural requirement to ensure that a standard of fairness is applied in the investigation and adjudication of a complaint. This involves:

- a. Fully informing the respondent of the complaint and any allegations made against them;
- b. Giving the parties to the complaint a reasonable opportunity to state their case, provide an explanation, or put forward their viewpoint;
- c. Conducting a proper investigation of the complaint, ensuring all parties are heard and that all relevant submissions are considered, with reasons given for any decision; and
- d. Acting fairly, impartially and without bias.

Public Interest Disclosure

A complaint relating to corrupt conduct, fraud, maladministration or misconduct, which allows a complainant to make a confidential disclosure under the Public Interest Disclosure Act 2018 (SA).

Public Officer

The University is a public authority under the ICAC Act 2012 (SA). The Act identifies staff of the University of Adelaide as Public Officers. A public officer is obligated to report corruption and serious or systemic misconduct or maladministration in public administration to the Office of Public Integrity (OPI). Public officers can also be the subject of a complaint or report to the OPI and can be investigated by the Commissioner. The University's [Legal and Risk Branch](#) are able to advise on reporting obligations under the Act.

Respondent

The person against whom the complaint has been raised.

Self-Resolution

Behaviour and Conduct Handbook	Complaint Resolution Procedure	Effective Date:	30 March 2020	Version 1.0
Authorised by	Chief Operating Officer	Review Date:	30 March 2023	Page 9 of 10
Warning	This process is uncontrolled when printed. The current version of this document is available on the HR Website.			

An informal method by which a complainant attempts to resolve a complaint themselves by approaching the respondent directly to discuss.

Supervisor

The person who is responsible for the day-to-day supervision of a staff member as nominated by the University. For the purpose of this procedure, if a complaint is raised by a staff member against their supervisor, the supervisor's line manager will assume responsibility under this procedure and is included within this definition.

Support Person

A support person is an individual who provides a staff member with emotional support during the complaint process and can be called upon to attend meetings with the staff member, but may not advocate for, act or speak on behalf of the staff member. Any parties to a complaint are able to have a support person present.

Vexatious

A vexatious complaint is one without reasonable or probable cause or excuse; harassing; annoying; instituted maliciously or on the basis of improper motives; intended to harass or annoy.

Victimisation

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.

Whistleblower

A person who provides information about a person or an organisation to expose activity that they consider is illegal, dishonest or unethical. To "blow the whistle" means revealing to supervisors, managers or appropriate authorities, information about wrongdoing so that it can be stopped or prevented from reoccurring. Protection for whistleblowers is required by law under the [Public Interest Disclosure Act 2018 \(SA\)](#). The University's [Whistleblower](#) Policy encourages people to speak up by ensuring they are protected from reprisals.

6. RELATED DOCUMENTS AND POLICIES

[Complaint decision matrix](#)
[Complaint resolution flow-chart](#)
[Complaint Resolution Information](#)
[Formal complaint resolution template](#)

7. WEB LINKS

[Complaints Resolution Web page](#)
[HR Advisory](#)
[Legal and Risk website](#)
[Employee Assistance Program \(EAP\)](#)
[Fair Treatment Contact Officer \(FTCO\)](#)
[Safer Campus Community website](#)
[Student Grievance Resolution Process website](#)
[Safe Work Australia – Workplace Sexual Harassment webpage](#)

Behaviour and Conduct Handbook	Complaint Resolution Procedure	Effective Date:	30 March 2020	Version 1.0
Authorised by	Chief Operating Officer	Review Date:	30 March 2023	Page 10 of 10
Warning	This process is uncontrolled when printed. The current version of this document is available on the HR Website.			