



Version	Approved by	Approval date	Retirement date
2.0	Chief Human Resources Officer	28 October 2021	11 February 2024 A new Complaints Management and Investigations Policy and Procedure has replaced this procedure.
Procedure Statement			
Purpose	This procedure establishes a process for resolving complaints, or any type of problem, concern or grievance about work or the work environment		
Scope	This procedure applies to complaints brought by staff or independent contractors of the University.		
Are Local Documents on this subject permitted?	<input checked="" type="checkbox"/> Yes, however Local Documents must be consistent with this University-wide Document		<input type="checkbox"/> No
Procedure Processes and Actions			

Contents

1. Introduction	1
2. Overview of Complaint Procedure	2
3. What is a Complaint?	3
4. Complaint Procedure	4
5. Roles and Responsibilities	8
ANNEXURE A– FLOW CHARTS OVERVIEW OF COMPLAINT PROCEDURE	13

1. Introduction

The University aims to provide a working environment which promotes safety, teamwork and respectful treatment. From time to time, issues or conflict may arise causing a person to feel aggrieved. The purpose of this procedure is to establish a process for resolving complaints which:

- applies equally to all staff
- encourages staff to raise their complaint, without fear of victimisation or disadvantage
- promotes timely resolution of complaints, as close to the source as possible and at an appropriate level having regard to the seriousness and nature of the complaint
- provides a clear process for addressing complaints
- recognises the importance of sensitivity, confidentiality and impartiality in the complaint resolution procedure.

The principles of procedural fairness apply during the complaints procedure, which means that the respondent is informed of the allegations against them, each party has a chance to have their say and be heard, and that the person handling the complaint is impartial.

2. Overview of Complaint Procedure

REF.	PROCESS	ACTIONS	PERSON RESPONSIBLE	TIMELINE	LINK TO EBA/POLICIES
4.1	Self resolution	If appropriate, try to resolve the matter directly with the person concerned.	<ul style="list-style-type: none"> Complainant Respondent 	As soon as possible	
4.2	Making a complaint	Make a complaint to your immediate supervisor. You can specify whether you would like your complaint handled under the informal or formal procedure.	<ul style="list-style-type: none"> Complainant 	As soon as possible	
4.3	Informal complaint procedure	The informal complaint procedure is handled by the complainant's supervisor. The supervisor will attempt to resolve the complaint through informal processes, such as discussion and mediation.	<ul style="list-style-type: none"> Supervisor Complainant Respondent 	Action should normally be taken by your supervisor within 21 days	May lead to guidance or counselling (see 35.1(a) of Professional Staff Enterprise Agreement & 28.3(b) of Academic Staff Enterprise Agreement).
4.4	Formal complaint procedure Part A: Preliminary Inquiry Part B: Investigation	<p>There are two steps under the formal complaint procedure: preliminary inquiry and formal investigation.</p> <p>A preliminary inquiry will be conducted by the complainant's Head of School or Department Head. In serious or complex cases, the matter may be referred to the Deputy Vice-Chancellor Planning and Assurance to conduct the preliminary inquiry.</p> <p>The University may appoint an investigation officer to conduct an investigation and make findings. The investigation officer does not determine outcomes.</p>	<ul style="list-style-type: none"> Head of School Department Head Deputy Vice-Chancellor Planning and Assurance Investigation Officer 	<p>Preliminary inquiries will normally be conducted within 1 month.</p> <p>Investigations will normally be conducted within 2 months.</p>	<p>May be referred to unsatisfactory performance or misconduct process under the applicable enterprise agreement (see clauses 34 and 35 of Professional Staff Enterprise Agreement & clause 28 of Academic Staff Enterprise Agreement)</p> <p>The research misconduct process under the <i>Research Misconduct Procedure</i> may also be relevant.</p>
4.5	Determination of Outcomes	<p>Under the informal complaint procedure, the supervisor is responsible for determining outcomes, through discussion and consultation with the parties.</p> <p>Under the formal complaint procedure, the Head of School, Department Head or Deputy Vice-Chancellor Planning and Assurance is responsible for determining outcomes.</p>	<ul style="list-style-type: none"> Supervisor Head of School Department Head Deputy Vice-Chancellor Planning and Assurance 	Determination of outcomes will normally occur within 14 days	
4.6	Internal Appeal	Lodge an appeal with the Chief Human Resources Officer (or if the complaint is about the Director, with the Deputy Vice-Chancellor Planning and Assurance). The matter will be allocated to an Management Board member (not involved in process before this point) to determine.	<ul style="list-style-type: none"> Complainant/ Respondent Chief Human Resources Officer Management Board Member 	Appeals must be lodged within 14 days of the decision. Appeals will normally be determined within 1 month.	

External Agencies: At any stage during the process a staff member may contact an external agency for assistance or external review. These agencies may have strict time limits. See section 4.7 for more information.

Advice and representation: At any stage during the process a staff member may wish to seek advice or assistance from a University Complaint Officer, their Human Resources Consultant, a representative (such as the union or a legal advisor) or a support person.

3. What is a Complaint?

3.1. What is a complaint?

A complaint is any type of problem, concern or grievance about work or the work environment. Complaints must relate to University matters, which includes work-related activities and functions. Common complaints include:

- the conduct of another staff member or student (including interpersonal conflict)
- discrimination, harassment or bullying
- workplace safety or environment issues
- the application of University policies and procedures.

3.2. Who can make a complaint?

This procedure applies to all staff, regardless of seniority or whether they are employed under an enterprise agreement, AWA or any other arrangement. The University will accept complaints by former staff and independent contractors under this procedure where it considers it appropriate to do so. If a complaint is not accepted, reasons will be given for the decision.

The University acknowledges that individuals may wish to obtain advice or assistance during any stage of the complaint process from a representative (such as the union or a legal advisor) or support person. For more information about the role of representatives and support persons, see section 5.5 of this Procedure.

The University also acknowledges that in some circumstances staff may feel more comfortable making a complaint collectively (i.e. as a group). A collective complaint will be accepted where each of the complainants are identified, has a particular complaint and acknowledges that they are party to the complaint. Collective complaints will normally be handled jointly, except that if there is an opportunity to resolve a component of the complaint on an individual basis, this is allowed.

This procedure does not apply to complaints made by students. Students should refer to the [Student Complaint Procedure](#).

This procedure does not apply to third parties or members of the public who should refer to the [Complaint Management Procedure \(External\)](#)

3.3. Who or what can be complained about?

A complaint can be made against another staff member (including peers, subordinates or managers), students or another person the staff member is dealing with in the course of their work. Where the respondent is not an employee of the University, the University may refer the matter to the respondent's employer or another relevant body/agency. The University also recognises that a complaint may not be about any person. For example, a person may complain about an occupational health and safety risk, an environmental issue or the application of University policies and procedures. Some other examples of complaints are listed in section 3.1 above.

3.4. How long do I have to lodge a complaint?

Complaints must be raised within 12 months of the incident occurring or the issue arising. In extenuating circumstances, the University may accept a complaint outside this time. If a complaint is not accepted because it is outside this time limit, the complainant will be advised of this and given reasons for the decision.

3.5. Excluded complaints

This procedure does not apply to:

- disputes regarding the interpretation, application or operation of the University's enterprise agreements. In these circumstances, the disputes settling procedure in the enterprise agreement will apply

- any matters where the relevant enterprise agreement or AWA provides a specific review or appeal (for example misconduct review committees or redundancy review committees)
- a finding made under the enterprise agreement or AWA of unsatisfactory performance, misconduct or serious misconduct, or recommendation or decision to take disciplinary action (including dismissal)
- any other matters where a specific University policy or procedure has been established to address complaints, reviews or appeals about such matters (for example, academic promotions, which are dealt with under the University's [Academic Promotions Policy](#) and [Procedure](#)).

If a complaint falls into one of these excluded categories the complainant should be advised of this, the relevant policy or instrument for addressing the issue, and the relevant contact person.

3.6. Protected Disclosures

A staff member may be able to make certain complaints including those relating to corrupt conduct, fraud, maladministration or a serious and substantial waste of public money, as a protected disclosure, in accordance with the University's [Report Wrongdoing Policy](#) and [Report Wrongdoing Procedure](#). Staff should refer to that Procedure to determine if they can make their complaint as a protected disclosure.

3.7. Interaction with enterprise agreements, research misconduct and student misconduct

The University has separate procedures for handling allegations of unsatisfactory performance, misconduct/serious misconduct, student misconduct and research misconduct, some of which are regulated by enterprise agreements or AWAs. To ensure compliance with such regulatory documents and to avoid duplication, the person handling the complaint should consider whether allegations should be handled under that process instead of this procedure:

- for allegations of unsatisfactory performance, misconduct or serious misconduct, the relevant procedure in the enterprise agreement, AWA, or other applicable industrial instrument, policy or procedure applies
- for allegations of student misconduct, the [Student Misconduct Procedure](#) applies
- for allegations of research misconduct or breach of the *Research Code of Conduct*, the [Research Misconduct Procedure](#) applies.

If a complaint is to be handled under another procedure at any point, the complainant should be advised of this, and the person responsible for handling the matter under that procedure.

3.8. Allegations of criminal conduct or other unlawful conduct

If a complaint involves alleged criminal conduct or an alleged breach of any Australian law, the University may notify the Police or other relevant government authority (e.g. Independent Commission against Corruption). The University may suspend any action or investigation under this procedure pending an investigation by the Police or government authority.

4. Complaint Procedure

For an overview of the complaint procedure see the table in section 2 and flow charts at [Annexure A](#). For key principles about complaint handling (including **protection from victimisation** and **confidentiality**, see section 5 of this procedure)

4.1. Self-resolution

If a complainant is comfortable doing so, they should attempt to resolve the issue directly with the person(s) concerned. The complainant should identify the specific conduct which has caused offence, explain the impact of that conduct on them, and request that the conduct stops. It may be that the person was unaware of the impact of their conduct.

Timeframe: as soon as possible.

If the complainant is not comfortable attempting to resolve the issue directly with the person(s) concerned, or if self-resolution is not successful, they should make a complaint.

4.2. Making a Complaint

Complaints should be made to the complainant's immediate supervisor. If the complaint is about the supervisor, the complaint should be made to the next most senior manager, who will handle the complaint or refer it to another manager at an appropriate level.

Timeframe: as soon as possible.

Complaints can be made verbally or in writing and should include the following information:

- the complainant's name and contact details
- details of the specific incident or issue being complained about
- if the complaint is about a person(s), the identity of the person(s) being complained about and their relationship to the complainant
- the complainant's preferred method for dealing with the complaint (i.e. informal or formal)
- the remedy/outcome the complainant is seeking
- any action already taken seeking to resolve the issue.

A sample complaint form to assist with written complaints is attached as [Annexure B](#). This is not a mandatory form – it is a tool for complainants if they are unsure what to include in their complaint.

Complainants should be aware that the supervisor handling their complaint will generally need to disclose details of the complaint to the respondent (if there is one) in order to afford them procedural fairness.

Complainants should consider how they would like their complaint to be handled and indicate their preference. There are two options: informal and formal.

Informal: The informal complaint procedure is suited to less serious issues, such as interpersonal conflict or the application of University policies and procedures. The informal procedure may also be appropriate where the parties are likely to continue working together.

Formal: The formal complaint procedure is suited to serious issues, such as sexual harassment, discrimination or other unlawful conduct. It may also be appropriate for sensitive matters or where there is a high level of factual dispute. If the complainant would like their complaint handled under the formal complaint procedure, the complaint must be made in writing and copied to the Chief Human Resources Officer, who will record the complaint on a central register. The University may still take action without a written complaint if it considers a staff member's health, safety or wellbeing is in jeopardy or if the University considers that misconduct or serious misconduct may have occurred.

The examples are a guide and the process chosen will reflect a number of considerations. If a complainant is unsure which process is best suited to their complaint, the Complainant can seek advice from a University Complaint Officer, HR Advisor or their representative.

While the complaint handler is ultimately responsible for determining which process will be used, the Complainant's preference will be considered and if the complaint handler does not use the Complainant's preferred approach, reasons will be given.

4.3. Informal Complaint Procedure

The complainant's supervisor is responsible for conducting the informal complaint procedure. Under the informal complaint procedure there is a broad range of options for addressing the complaint. The focus is on finding a resolution which is acceptable to all parties.

Some options include (not an exhaustive list):

- the supervisor meeting with the complainant and respondent (either separately or together) to discuss the issues and explore possible resolutions
- the supervisor writing to the complainant and respondent to obtain further information about the complaint and explore possible resolutions
- the supervisor arranging a mediation or conciliation
- the supervisor exploring an issue on behalf of the complainant and options to address the issue (e.g. resolving an HS issue or an environmental issue).

Timeframe: action should normally be taken by the supervisor within 21 days.

Upon receipt of an informal complaint, managers are encouraged to contact their HR Advisor for advice and assistance throughout the process.

If the matter is resolved to the satisfaction of all parties, the matter will be concluded. If the matter is not resolved, the supervisor handling the complaint will determine whether any further action is required. The complainant may also make a formal complaint. For efficiency, information collected during the informal complaint procedure may be provided to the person handling the formal complaint.

4.4. Formal Complaint Procedure

The person responsible for conducting the formal complaint procedure is the complainant's Head of School or Department Head. It can also be another manager at least at the same level appointed by the Dean or Divisional Head. If the complaint is serious or complex, a request can be made for the matter to be referred directly to the Deputy Vice-Chancellor Planning and Assurance. The request can be made by the complainant or by the manager handling the complaint. The Deputy Vice-Chancellor Planning and Assurance will consider the request and either accept the referral or if the referral is refused, give reasons for the decision.

Upon receipt of a formal complaint, the person responsible should contact their HR Advisor to notify them of the complaint and to obtain advice and assistance in managing the process. The nominated HR Advisor will remain allocated to the complaint for the duration of the process.

Part A: Preliminary Inquiry

Before commencing a formal investigation, the Head of School, Department Head or Deputy Vice-Chancellor Planning and Assurance will normally conduct a preliminary inquiry. The purpose of a preliminary inquiry is to:

- obtain details about the complaint and assess the seriousness of the allegations
- determine the level of factual dispute
- assess whether there is sufficient evidence to proceed to a formal investigation and/or refer for a possible misconduct proceeding in accordance with the applicable enterprise agreement, AWA or other industrial instrument.

A preliminary inquiry normally involves collecting information from the complainant and the respondent about the complaint. It does not normally involve interviewing witnesses. Where this information has already been collected through the informal complaint procedure, it may not be necessary to conduct a preliminary inquiry.

Timeframe: a preliminary inquiry should normally be conducted within 1 month. Timeframes are dependent on the nature of the complaint/s and in certain circumstances the preliminary inquiry may take longer than 1 month. In such circumstances, a revised timeframe should be communicated to the complainant and the respondent.

The Head of School, Department Head or Deputy Vice-Chancellor Planning and Assurance will consider the information and determine the next steps. A matter should not proceed to a formal investigation or misconduct proceeding if there is insufficient evidence (i.e. no prima facie case), the matter is not serious enough to warrant a formal investigation or misconduct proceeding or if there is no (or little) factual dispute. In some circumstances, it may be appropriate for the Head of School, Department Head or Deputy Vice-Chancellor Planning and Assurance to determine outcomes at this stage (e.g. where the allegations are not disputed) – see section 4.5. The Head of School, Department Head or Deputy Vice-Chancellor Planning and Assurance should notify the complainant and respondent of their decision and reasons for their decision.

Part B: Formal Investigation

If the matter proceeds to Part B, the Head of School, Department Head or Deputy Vice-Chancellor Planning and Assurance will refer the matter to an investigation officer to conduct a formal investigation. The investigation officer is appointed by the University and may be an official of the University or a person from outside the University. The complainant and respondent will have an opportunity to comment on the proposed investigation officer prior to the University confirming their appointment.

The role of the investigation officer is to collect information about the complaint and make findings about whether the factual allegations are substantiated. The investigation officer should focus on determining the facts. The investigation officer should not determine outcomes, as this role is allocated to the Head of School, Department Head or Deputy Vice-Chancellor Planning and Assurance in accordance with section 4.5.

Timeframe: A formal investigation should normally be conducted within 2 months. Timeframes are dependent on the nature of the complaint/s and in certain circumstances the formal investigation may take longer than 2 months. In such circumstances, a revised timeframe should be communicated to the complainant and the respondent.

4.5. Determination of outcomes

The outcomes of the informal or formal complaint procedure will vary depending on the circumstances. While the outcomes sought by the complainant will be considered, the University cannot guarantee these outcomes (e.g. the University may be restricted by industrial rules, or the outcome sought may unfairly impact on a third party).

Some possible outcomes include (not an exhaustive list):

- the parties getting a better understanding of the issue
- an apology
- a change in working arrangements
- a commitment to change behaviour
- guidance, counselling or warnings being issued
- disciplinary action (in accordance with the relevant enterprise agreement, AWA or industrial instrument).

Under the informal complaint procedure, the supervisor handling the complaint is responsible for determining outcomes through discussion and consultation with the parties. Under the formal complaint procedure, the Head of School, Department Head or Deputy Vice-Chancellor Planning and Assurance is responsible for determining outcomes and advising the complainant and the respondent. It may also be appropriate for the person handling the complaint to consult with the respondent's supervisor, Head of School or Department Head about any outcomes which affect the respondent.

Timeframe: A determination of outcomes should normally occur within 14 days. If a person lodges an appeal, implementation of any disciplinary outcomes should be put on hold until the appeal has been determined.

4.6. Internal Appeal

An internal appeal is the final step in this procedure. Appeals are limited to procedural matters. An appeal is not available on the merits of any decision under this procedure.

If a person is seeking an appeal, they must make a written application to the Chief Human Resources Officer within 14 days of being notified of the outcome of the complaint procedure. After the application has been filed, the person seeking the appeal has an additional 7 days to provide any documentation supporting their application. If the complaint is about the Chief Human Resources Officer, the appeal should be lodged with the Deputy Vice-Chancellor Planning and Assurance. Appeals may only be made by the complainant or the respondent.

The Chief Human Resources Officer will allocate the matter to a member of Management Board who they consider is best placed to conduct the appeal. The Chief Human Resources Officer will not refer the matter to a person who has already performed a function in the complaint process. The Chief Human Resources Officer will record on the central register the fact that an appeal was lodged, who conducted the appeal and the outcome of the appeal.

The Management Board member considering the appeal will review the process and consider whether there were any procedural deficiencies. They will then make a determination. This may include affirming the process, identifying a procedural deficiency and recommending action to rectify that deficiency or some other outcome. The decision of the Management Board member conducting the appeal is final. All

parties are expected to accept and implement the decision. There is no other appeal or review mechanism within the University.

Timeframe: an internal appeal should normally be conducted within 21 days.

4.7. External Agencies

While the University aims to resolve complaints internally, staff members may seek the assistance of an outside agency at any time. Relevant outside agencies include:

- NSW Anti-Discrimination Board (or ACT Human Rights Commission for ADFA)
- Australian Human Rights Commission (formerly HREOC)
- NSW Ombudsman
- Independent Commission Against Corruption

Some of these external agencies have strict time limits. Individuals should seek advice from the relevant agency or from an independent advisor as soon as possible.

4.8. Withdrawal or discontinuation of complaint

At any stage during the informal or formal complaint procedure, the complainant may withdraw or discontinue their complaint. If the complaint is being handled under the formal complaint procedure, the withdrawal or discontinuance should be made in writing. If a complaint is withdrawn or discontinued the University may still take action to address the issues raised in the complaint, if the University considers it appropriate to do so.

5. Roles and Responsibilities

5.1. University Complaint Officer(s)

The role of University Complaint Officer(s) is to listen to complaints and explain to the complainant their options under this procedure. The Complaint Officer(s) cannot take action to address complaints. However, with the complainant's permission, they can refer the complaint to an appropriate officer of the University for action under this procedure.

Communications with the Complaint Officer are confidential. However, if the Complaint Officer is aware of any potential criminal conduct, they may be obliged to refer the matter to the Police. Further, if they are concerned for a person's health, safety or wellbeing, they may be obliged to refer the matter to the relevant University contact person or an external authority. The Complaint Officer may seek advice from internal experts prior to taking these steps.

5.2. Staff members involved in a complaint process

The following rights and responsibilities apply to all staff members involved in a complaint process, including the complainant, the respondent and any witnesses:

- **Maintain confidentiality:** Staff members should not discuss the complaint with other staff or students or with people outside the University, such as the media. If a person breaches confidentiality, disciplinary action may be taken against them. Spreading rumours or engaging in gossip may also expose individuals to a defamation claim. Staff members can discuss their complaint with people who have a legitimate reason to know, such as an advisor, a counsellor/medical practitioner or their family/partner. However, these people must also maintain confidentiality.
- **Work arrangements:** Staff are generally expected to work as normal during a complaint process. In some circumstances, a person may be suspended during the complaint procedure, in accordance with the enterprise agreement, AWA or industrial instrument. The University may also make alternative work arrangements (e.g. a different work location, a temporary transfer, a change in work duties etc.).
- **Representation:** At any stage of the complaint process, a staff member can be supported or represented by a support person, union representative or legal representative. The support person or representative can attend any meetings and provide advice or support to the person about written documents, process etc.

- **Counselling:** The University offers a confidential counselling service for all employees of the University, known as the Employee Assistance Program. Staff members can access the program by contacting 1300 360 364 or at <https://www.benestar.com>
- **No victimisation:** Individuals should not be victimised or retaliated against because of their involvement in a complaint. If any staff member believes they are being victimised, they should immediately contact their supervisor, Head of School, Department Head or the Chief Human Resources Officer. Similarly, individuals must not victimise others. If any person engages in victimisation, disciplinary action may be taken against them.
- **Conflict of interest:** If the complainant or respondent believes that the complaint handler is not impartial or has a conflict of interest, they should raise this with the complaint handler, the complaint handler's manager or with the Chief Human Resources Officer.
- **Complaints must be made in good faith:** This complaint procedure is not to be used for revenge, retribution or mischief. If a person makes a complaint which is frivolous, vexatious or in bad faith, disciplinary action may be taken against them. Examples of frivolous, vexatious and bad faith complaints include fabricating a complaint, making trivial or petty complaints, or seeking to re-agitate issues that have already been addressed or determined.

5.3. Complaint handlers

The following rights and responsibilities apply to all persons handling complaints, including supervisors (under the informal complaint procedure), Heads of School, Department Heads and Deputy Vice-Chancellor Planning and Assurance (under the formal complaint procedure) and Chief Human Resources Officer and other Management Board members (under the internal appeal procedure):

- **Seek advice from HR:** complaint handlers should notify their HR Advisor upon receipt of a complaint made under this procedure. The HR Advisor will remain allocated to the complaint for the duration of the complaint process for the purpose of providing ongoing advice and assistance to the Complaint handler in relation to conducting the complaint process.
- **Notification to HR Director:** Complaint handlers must notify the Chief Human Resources Officer upon receipt of any Formal Complaints for the purposes of ensuring the Formal Complaint is recorded on the central complaint register.
- **Maintain confidentiality:** Complaint handlers must maintain confidentiality. However, complaint handlers can disclose the complaint to internal experts and/or their manager to obtain advice, to the respondent to afford procedural fairness, to other employees to properly deal with the complaint (e.g. witnesses) and to monitor the complaint process.
- **Procedural fairness:** Complaint handlers should give each party an opportunity to present their side of the story and make known to the respondent allegations made against them and give them an opportunity to respond to the allegations.
- **Impartiality:** Complaint handlers should be impartial and free from any conflict of interest. This means that the complaint handler does not decide a case in which they have a direct interest or a significant indirect interest. If the person handling the complaint does not think they can be impartial, they should refer the matter to another supervisor/manager at an appropriate level.
- **Timeframes:** Complaint handlers should endeavour to comply with the timeframes outlined in this procedure. It is recognised that this will not always be possible. In these circumstances, a revised timeframe should be communicated to the complainant and the respondent.
- **Communication with the participants:** Complaint handlers should communicate regularly with the complainant and the respondent about the progress of the complaint, including the anticipated timeframes, any delays during the process and the outcome of the process (with due regard to any confidentiality constraints).
- **Recordkeeping:** Complaint handlers should keep records of the complaint process. For informal complaints, file notes kept at the local level will normally be sufficient. In some circumstances, a central administration file may be appropriate. For formal complaints, the complaint must be recorded on the central register, kept by the Chief Human Resources Officer. Detailed records should also be kept and stored on a secure and confidential central administration file. It is the responsibility of the complaint handler and their HR Advisor to ensure that the central file is created and contains all

records relating to the complaint, including: the document recording the complaint; any file notes of the complaint handler; the written record of any response received from the Respondent; records of any witness statements obtained; copies of correspondence with the parties to the complaint and a copy of any formal findings or report. All records should be kept confidential and in accordance with the University's *Recordkeeping Policy*.

- **Give reasons for their decisions:** Complaint handlers should give reasons for their decisions, particularly where it has a significant impact on the complainant or the respondent. The Complaint handler should consider the most effective method for communicating reasons (i.e. verbally or in writing). For formal complaints, reasons should normally be communicated in writing.

5.4. Human Resources Business Partner

The role of the Human Resources Business Partner or Consultant (or other HR staff member as appropriate) is to provide advice about dealing with complaints under the procedure. Advice may be provided to the complainant, respondent or to the complaint handler, subject to any conflict of interest. Human Resources Consultants and Human Resources Business Partners will not normally have a role in handling the complaint, other than in an advisory capacity.

5.5. Representatives and support persons

At any stage during the process an individual can obtain advice or support from a representative (such as the union or a legal advisor) or from a support person. The role of the representative or support person is to provide advice and support to the individual. However, the University maintains its right to directly communicate with and obtain information from an individual (for example, obtaining an account of what happened from the individual in their own words). Representatives and support persons must not be obstructive in the process.

6. Acknowledgements

Complaint Handling at Universities: Best Practice Guidelines, published by the NSW Ombudsman in December 2006

Good Conduct and Administrative Practice Guidelines, Second Edition, published by the NSW Ombudsman in May 2006

Complaint Handler's Toolkit, Second Edition, published by the NSW Ombudsman in June 2004

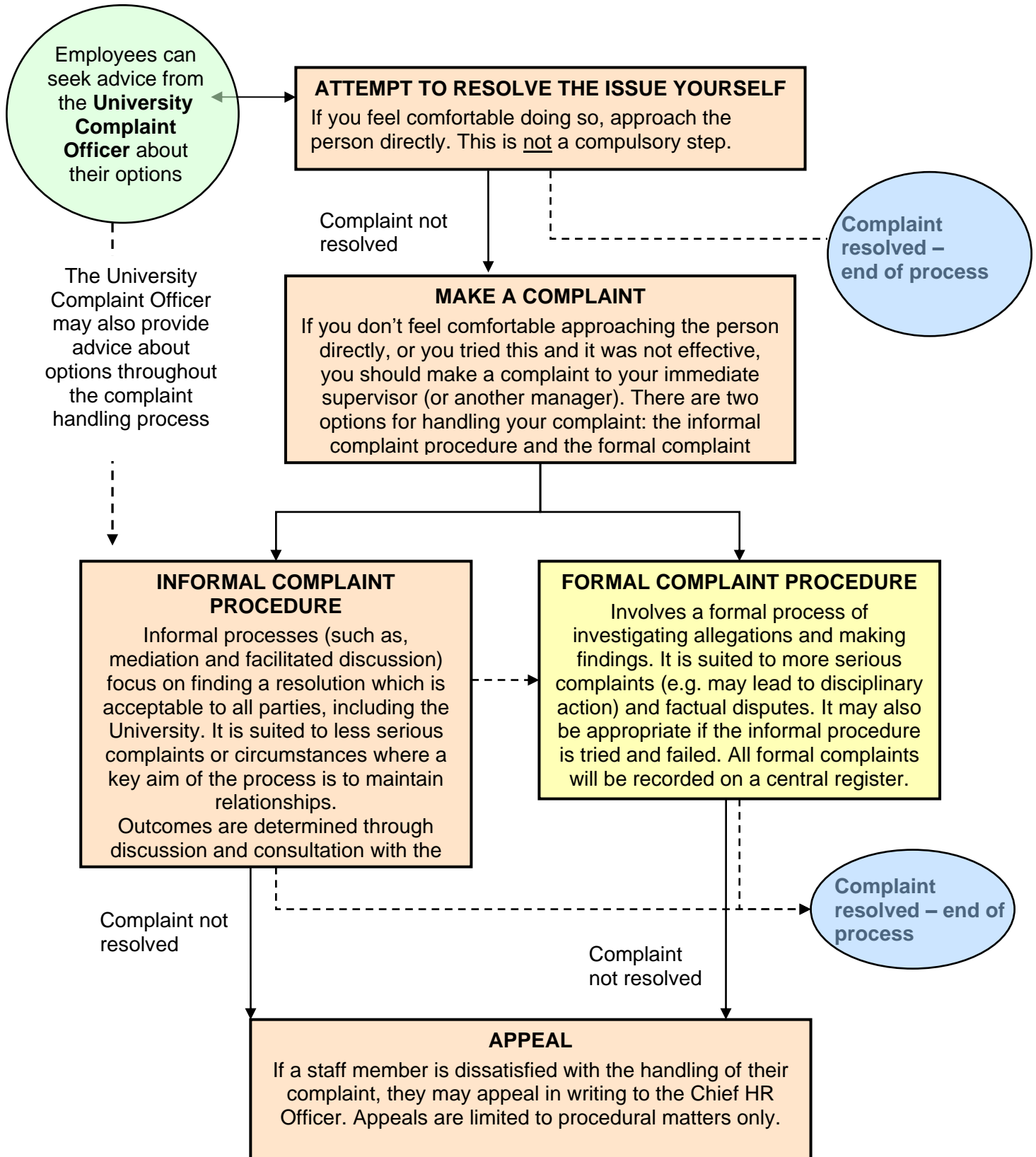
Effectively preventing and responding to sexual harassment: A Code of Practice for Employers, published by the Australian Human Rights Commission (2008 Edition).

Accountabilities	
Responsible Officer	Chief Human Resources Officer
Contact Officer	Chief Human Resources Officer
Supporting Information	
Legislative Compliance	This procedure supports the University's compliance with the following legislation: Nil
Parent Document (Policy)	UNSW Code of Conduct
Supporting Documents	Nil

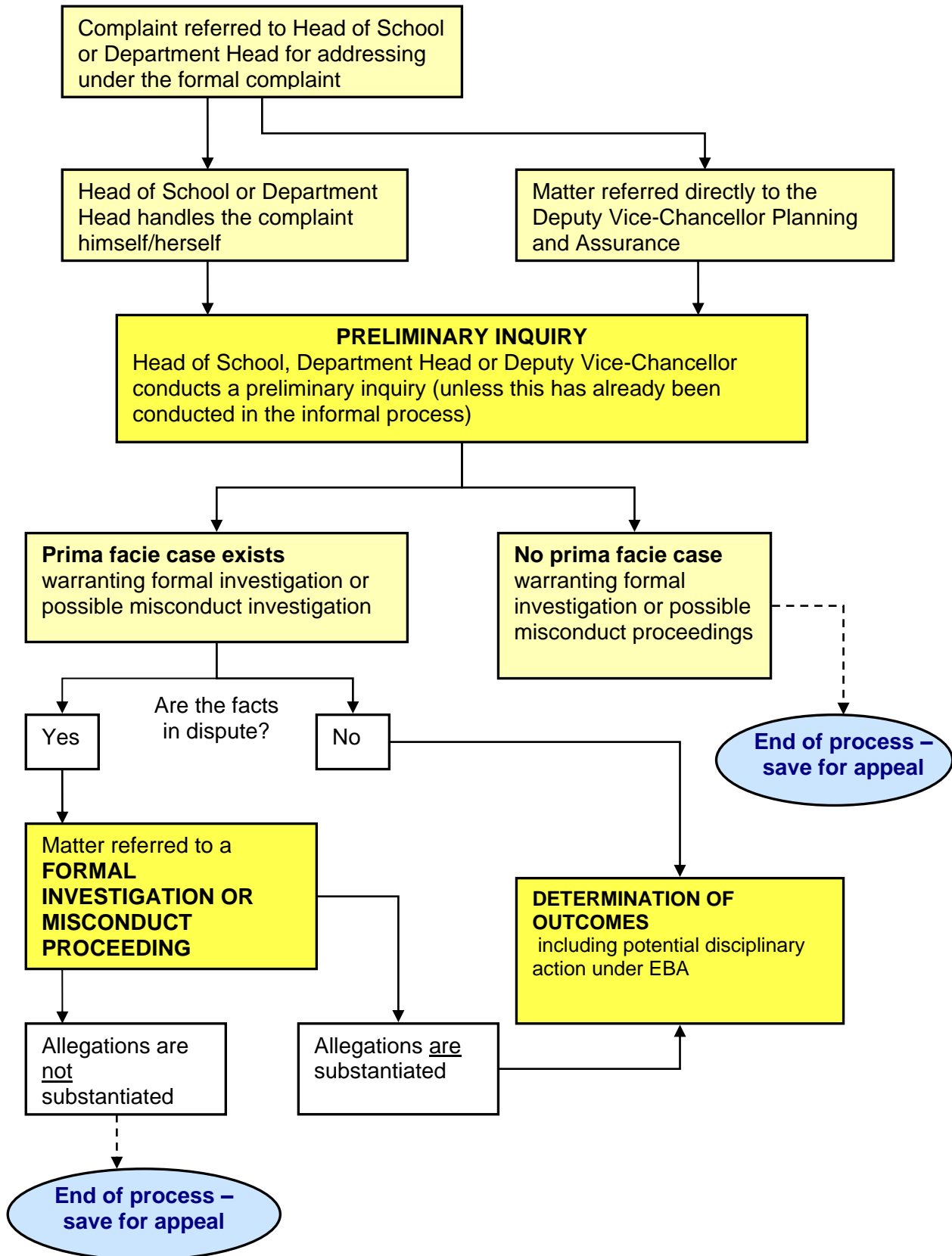
Related Documents	Complaint Management Procedure (External) Equity Diversity and Inclusion Policy Report Wrongdoing Policy Report Wrongdoing Procedure Student Complaint Procedure Bullying and Harassment in the Workplace Prevention and Management Policy
Superseded Documents	Staff Complaint Procedure, version 1.4
File Number	[For Governance use]
Definitions and Acronyms	
AWA	Australian Workplace Agreement
Bullying	See UNSW <i>Bullying and Harassment in the Workplace Prevention and Management Policy</i>
Complainant	The person making the complaint
Complaint	Any type of problem or grievance about work or the work environment. See section 3.1 of this procedure for more information
Complaint Handler	The supervisor or manager handling the complaint. In some serious cases, formal complaints may be handled by the Deputy Vice-Chancellor Planning and Assurance. For more information about the role of the complaint handler see section 4 of this procedure.
Conflict of Interest	See UNSW Conflict of Interest Disclosure and Management Policy
Discrimination	See UNSW <i>Equity Diversity and Inclusion Policy</i>
Enterprise Agreement	UNSW Australia (Academic Staff) Enterprise Agreement 2018 and the UNSW Australia (Professional Staff) Enterprise Agreement 2018 , or any successor or other applicable agreements.
Management Board	The key executive body for the President and Vice-Chancellor. The President and Vice-Chancellor determines the membership from time to time: https://www.unsw.edu.au/about-us/governance/management-board
Harassment	See UNSW <i>Equity Diversity and Inclusion Policy</i>
HR Advisor	Refers to either a Human Resources Business Partner, Consultant or a Human Resources Manager
Protected Disclosure	means a report of wrongdoing covered by the <i>Report Wrongdoing Policy</i> which is made in accordance with the <i>Report Wrongdoing Procedure</i> and the <i>Public Interest Disclosures Act 1994</i> (NSW) and which is protected by the <i>Public Interest Disclosures Act 1994</i> .
Respondent	The person being complained about

Staff	All University employees (including casuals), as well as conjoints and visiting titleholders.			
University Complaint Officers	University Complaint Officers listen to complaints and explain to the complainant their options under this procedure. A Complaint Officer cannot take action to address complaints. However, with the complainant’s permission, they can refer the complaint to an appropriate officer of the University for action under this procedure.			
Supervisor	The staff member’s immediate supervisor			
Victimisation	A person is treated less favourably because they have made a complaint or are involved in a complaint			
Vilification	See UNSW Equity Diversity and Inclusion Policy			
Revision History				
Version	Approved by	Approval date	Effective date	Sections modified
1.0	Deputy Vice-Chancellor (Academic)	26 August 2009	1 September 2009	New Procedure. This replaced the Staff Discrimination and Harassment Grievance Policy and Procedures; Staff Grievance Policy, and Staff Grievance Procedure
1.1	Vice-President and Deputy Vice-Chancellor (Academic)	13 May 2013	13 May 2013	Administrative updates made to sections 2, 3, 4.2, 4.6, 5.2, 5.3, 5.4, 6.3 and 6.4 following audit review and changes to legislative framework.
1.2	Administrative update by Acting Head of Governance	27 November 2015	27 November 2015	Amendments to the Responsible Officer and Contact Officer.
1.3	Administrative update by Acting Head of Governance	18 February 2016	29 February 2016	Administrative updates to senior leadership positions.
1.4	Vice-President, Human Resources	8 August 2017	15 August 2017	Administrative update to senior positions
2.0	Chief Human Resources Officer	28 October 2021	28 October 2021	Full review with minor change
				A new Complaints Management and Investigations Policy and Procedure has replaced this procedure.

ANNEXURE A– FLOW CHARTS OVERVIEW OF COMPLAINT PROCEDURE



OVERVIEW OF FORMAL COMPLAINT PROCEDURE



ANNEXURE B

STAFF COMPLAINT FORM



UNSW
SYDNEY

DATE:

Important notes:

- If you do not have sufficient space on this form, please attach additional pages.
- The University will treat this information confidentially, however you should be aware that if your complaint is about another person, the person handling your complaint will generally need to disclose details of the complaint to that person to obtain their response.

PERSONAL INFORMATION

Your Name:	Your position:
Your contact details:	Your School/unit:

INFORMATION ABOUT YOUR COMPLAINT

Is your complaint about another person? (please circle)

YES / NO

If yes, identify the person, their position and how they relate to you

For example, my complaint is about Joe Citizen, Administrative Assistant. We work in the same team

Provide specific details of your complaint

Please provide as much detail as possible – for example, what happened, when (give approximate times and dates), who was there etc. If you require more space, please attach additional pages

Complaint details (cont.)

What impact has this had on you?
Has this happened before? (please circle) YES/NO
Is yes, please provide details

INFORMATION ABOUT THE COMPLAINT PROCESS
What outcome/remedy are you seeking to resolve your complaint? <i>For example, an apology</i>
What is your preferred method for dealing with the complaint? (please tick one) <input type="checkbox"/> Informal Complaint Procedure <input type="checkbox"/> Formal Complaint Procedure
Have you taken any action to resolve your complaint? (please circle)

YES / NO

If yes, describe what you have done so far

OTHER INFORMATION

Is there any other information you would like to include?