

Staff Grievance Resolution Policy

Fact box

- **Policy owner:** Vice President Operations
- **Policy category:** Management: HR
- **Policy status:** Approved
- **Approval body:** Council
- **Endorsement body:** Executive
- **Related policies:**
 - [Academic Freedom Policy](#)
 - [Academic Integrity and Misconduct Policy](#)
 - [Academic Promotions Policy](#)
 - [Code of Conduct Policy](#)
 - [Harassment, Bullying and Unlawful Discrimination Prevention and Response Policy](#)
 - [Higher Education Faculty Register Policy](#)
 - [Sexual Assault and Sexual Harassment \(SASH\) Prevention and Response Policy](#)
 - [Staff Conditions of Employment Policy](#)
 - [Staff Management Policy](#)
 - [Staff Termination Policy](#)
 - [Whistleblower Policy](#)
- **Defined terms:** Grievance.
- **Last amended:** 20th Dec. 2022
- **Relevant HESF:**

Purpose

The purpose of this policy is to outline the approach of Alphacrucis University College (AC) to resolving a staff member grievance.

Scope

Whole of AC

For the purposes of this policy a grievant may include: bona fide officers, members of the faculty, employees whether full-time, part-time, permanent, or casual; independent contractors engaged by AC, voluntary workers and others engaged under AC authority; bona fide visitors and persons who are applying for or expressing interest in AC employment, volunteer worker roles, or admission to an association or society conducted under AC auspices; and members of the Council.

Policy

AC is committed to ensuring that all staff have a positive relationship with AC, other staff members, and students. When issues relating to employment arise, AC is committed to the following principles:

- less formal and early resolution of grievance processes, where possible;
- staff are advised that they are entitled, if they so request, to a representative at all stages of the formal resolution procedures;

- confidentiality is respected and maintained at all times by all parties within the constraints of the need to fully investigate a grievance, subject to any legal requirements for disclosure and consistent with the principles of natural justice;
- transparent, ethical, and timely procedures for addressing grievances and appeals;
- all parties to a grievance should engage in the procedure for grievance resolution in good faith and focus on achieving resolution of the concerns raised;
- all parties are treated equally and fairly, without fear of prejudicial treatment;
- providing an appellate process that enables the independent review of a decision determined in response to a grievance; and
- frivolous or vexatious grievances are not tolerated and may be considered to be misconduct.

It is the responsibility of the supervisor to identify, respond to and address problems in the workplace and to take all reasonable steps to ensure that victimisation of either the complainant or a respondent does not take place. So far as reasonably practicable, supervisors should recognise the early signs of disharmony in their teams and if possible, take early, sensitive and positive steps to prevent and resolve potential or actual grievances between their staff. Every staff member has the right to refer their grievance to an external authority if they are dissatisfied with the outcome of AC's internal processes.

Responsible for implementation

Vice President Operations

Key stakeholders

All staff

Procedures

Staff Grievance Resolution Procedures

STEP 1: INFORMAL RESOLUTION

AC encourages members of its community, wherever possible and appropriate, to resolve concerns or difficulties directly with the person(s) concerned.

STEP 2: NOTIFICATION, PRELIMINARY EVALUATION AND ADVICE

If the individual's concerns cannot be resolved informally, employees of AC who are seeking to have an issue addressed or resolved are requested to raise matters, as appropriate, with their supervisor. If the individual's issue cannot be resolved with their supervisor, the Human Resources (HR) officer may be approached to resolve the grievance or in relation to the policy, process and implications of making a grievance.

If the individual's concerns cannot be resolved with the intervention of the HR officer, the authorised officers of AC may be notified. The authorised officers of AC (and their alternates in the event of their absence or involvement with the grievance) to whom a grievance is to be notified are the Vice President Operations or the Vice President Academic.

Within a timeframe of seven calendar days of being notified of a grievance, the HR officer makes an assessment of the alleged grievance and the evidence available which supports it. Unless special circumstances apply, the HR officer ordinarily interviews the grievant with regard to the matters raised in the grievance and apprises the grievant of the policy and processes of receiving, investigating and resolving the grievance.

If, on the basis of information obtained in the preliminary interview and inquiry, the HR officer concludes that the issue(s) at the heart of the grievance can be resolved through his or her intervention, the HR officer may request the consent of the grievant to intervene on the grievant's behalf. If the HR officer determines that the nature of the grievance warrants further inquiry or investigation and, if they have not already done so, the grievant is required to make a signed statement in the prescribed form as to the nature of the grievance and all relevant particulars. This statement is then referred to an authorised officer of AC for further consideration and investigation.

At the conclusion of this stage, the authorised officer needs to be satisfied prima facie that the grievance is firstly, relevant and secondly, not made frivolously or from malicious, vexatious or similarly improper motive. If the authorised officer is satisfied prima facie that there is no basis to the grievance, the officer notifies the grievant accordingly in writing and the grievance is deemed to have lapsed. If so requested by the grievant, the authorised officer provides a detailed and reasoned explanation. If the process is still not resolved, the procedure may move to Step 3.

Any grievance which is anonymous and may allege or involve abuse of a minor should be referred to the Safer College Officer and dealt with in accordance to the Child & Young Persons Protection Policy.

Any anonymous grievance of alleged corruption, misconduct or dishonest or illegal activity in the context of the Corporations Act 2001 (Cth) must be reported to the President and dealt with in accordance to the guidelines provided by ASIC.

STEP 3: INQUIRY AND HEARING

Completion of Step 2 (internal) process ordinarily occupies a maximum of 21 calendar days from the date of lodgement of a written statement. Usually, once the statement is lodged and where one or more persons (respondents) are involved, the authorised officer and HR Officer (one male and one female) assist with further inquiries and evaluation, and notify each person involved (the respondent[s]), that a grievance has been notified. The authorised officer then advises:

- the grievant of official receipt of his or her grievance and indicates an intention to have the matter resolved within the next 21 days;
- each respondent of the grievance and matters contained therein and requests submission of a written response within the next 14 days;
- that each party to the grievance is permitted supervised access to the relevant records of AC where these exist;
- that each party to the grievance is entitled to be heard in person;
- each party of his or her right to be accompanied and/or assisted by a supporter, if so requested at a hearing.

If, after making diligent inquiry into matters raised in the grievance and hearing and considering personal representations and written responses from all related parties, the authorised officer and

HR Officer determine that the grievance is not substantiated, the authorised officer notifies all parties in writing of the outcome, providing a reasoned and detailed explanation of that conclusion if so requested. If the authorised officer and HR Officer conclude that the grievance is substantiated, the authorised officer firstly, notifies the grievant and each respondent of that decision, and secondly, notifies the grievant of any course of action that AC is recommended to follow in order to remedy or rectify the issue(s) at the heart of the grievance.

Where relevant and appropriate to the circumstances of the case, the recommended course of action may comprise the following:

- provision of an apology to the grievant;
- payment of a monetary amount or provision of some other form of compensation to the grievant;
- improvement in administrative or managerial policy that may prevent future recurrence of any similar grievance;
- caution or disciplinary action for an officer, employee, member of faculty, or student of AC involved in the case where misconduct on the part of that person is suspected or alleged;
- referral of the case to the police if misconduct of a criminal nature has occurred;
- a combination of two or more of these proposed courses of action; and
- any other course of action that the authorised officer deems advisable.

A decision, together with any accompanying recommended course of action or any relevant finding, becomes the "reviewable decision" implemented by the authorised officer. In notifying the grievant (and, as appropriate, a respondent), the authorised officer provides advice on the availability of an appellate process, together with the grounds for appeal, the period of 28 days available for lodgement of an appeal, and the review procedures which are involved. The records are retained by the HR Officer for a minimum period of five years.

EXTERNAL DISPUTE RESOLUTION

Should the internal AC procedures listed above not resolve the grievance to the satisfaction of the complainant, provision is made for external, independent grievance resolution by reference to Employsure or other independent external entity as mutually agreed upon by the disputing parties and the AC Executive. The independent entity will act to appoint an external reviewer who is independent of AC. The appointed reviewer must make a determination and advise the relevant senior officer of AC, the complainant and independent entity within 30 days, providing in writing the reasons and rationale for any decisions and/or actions to be taken. If the appointed reviewer makes recommendations in relation to a reviewed grievance, the relevant senior officer of AC will ensure that the recommendations are implemented within 20 working days. Decisions of the appointed reviewer shall be final and binding on all parties.
