

GRIEVANCE RESOLUTION PROTOCOL

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1.0 INTRODUCTION

1.1 General Themes

Consistent themes which emerge in relation to grievances are:

- Grievances arise from perceptions of unfair or inappropriate treatment.
- It is not possible to avoid all possible causes of grievance. They are inherent in group activity.
- A grievance, particularly if not responded to, may cause strong negative emotions which in turn may undermine individual, group and organisational well being and effectiveness. The probability of organisational disruption increases if the grievance is not responded to appropriately.
- A grievance cannot be acted upon by an organisation unless the grievance is communicated to those with management responsibility for the matters in question.

1.2 What Are Grievances About?

Grievances are about the perceived fairness or propriety of decisions or actions taken by any member of the University community which may adversely affect the work or study of an aggrieved party, or the ability of an aggrieved party to access or enjoy the benefits of the University.

Grievances are about someone's decisions or actions. They are not about the policies or procedures of the University. A grievance could be about the *manner* in which someone had *interpreted* or *implemented* a policy or procedure, but it could not be about the policy or procedure itself.

2.0 SCOPE OF GRIEVANCE RESOLUTION PROTOCOL

2.1 What Areas Are Covered Under This Protocol?

Any grievance as defined in the policy, including but not limited to claims of racial or sexual harassment; or discrimination on the grounds of disability, race, religious belief, political viewpoint, sex, marital status, **transgender** or pregnancy.

2.2 Who May Bring a Grievance Under This Protocol?

A student or a staff member may bring a grievance in relation to an action or a decision which relates to study or work at the University.

A person who is neither a student nor staff member may bring a grievance in relation to an act of omission or commission which is perceived to disadvantage them or discriminate against them in relation to admission as a student, or employment as a staff member of the University.

2.3 When Does This Protocol Not Apply?

The procedures outlined in this Protocol **do not** replace existing policies and procedures which provide formal avenues for appeal against decisions of the University.

A grievance could only exist in relation to these matters if it were claimed that the relevant policies or procedures had not themselves been properly followed.

2.4 How Does This Protocol Relate To Other Legal Remedies?

2.4.1 External Options for Aggrieved Parties

An aggrieved person may choose to exercise his or her rights under statute or common law via courts or tribunals external to the University. On the other hand the availability of external options does not prevent an aggrieved person from choosing to deal with a matter under this Protocol.

A matter dealt with externally shall not be dealt with under this Protocol unless referred back to the University by some external authority.

2.4.2 Criminal Offences

The procedures set out in this document **do not replace or modify** procedures or responsibilities which may arise under other University policies or under statute or common law in relation to criminal offences.

2.4.3 Disciplinary Proceedings

The procedures set out in this document do not constitute disciplinary proceedings. It is possible, however, that a grievance process will give rise to the belief that disciplinary action should be taken.

In such circumstances any disciplinary process undertaken will be in accord with established discipline policies and legislative provision.

Records of grievance proceedings shall be available for use in the context of disciplinary proceedings by parties legitimately involved in such proceedings.

2.5 Relevant Legislation and Policies

Legislation providing external redress relevant to certain areas of grievance includes -

Racial Discrimination Act (1975) (Commonwealth)
Equal Opportunity Act (1984) (WA)
Sex Discrimination Act (1984)(Commonwealth)
Human Rights and Equal Opportunity Commission Act (1986)
Disability Discrimination Act (1992) (Commonwealth)
Disability Services Act 1992 (WA)
Freedom of Information Act 1992 (WA)
Racial Hatred Act (1995) (Commonwealth)
Workplace Relations Act 1996 (Commonwealth)
Equal Opportunity for Women in the Workplace Act 1999 (Commonwealth)
Privacy Act 1988

Disciplinary procedures are spelled out in Curtin's Statutes and By-Laws including -

the Library Statute,
the Student Discipline Statute
the Land and Traffic By-Laws

and in the Enterprise Agreement 1996 (Commonwealth).

Related Curtin Policies include -

Corruption and Crime Commission Policy and Procedures
Harassment Policy

3.0 OVERVIEW OF KEY ASPECTS OF PROTOCOL

3.1 Natural Justice

Curtin's Grievance Policy requires that grievances be dealt with in a manner which affords natural justice to all parties.

For the purposes of Curtin's Grievance Policy, the requirements of natural justice are taken to include opportunity to be heard, absence of bias and expeditious handling of complaints.

3.1.1 Opportunity to be Heard

Opportunity to be heard requires that a complainant or respondent whose interests may be adversely affected by a decision shall be afforded an opportunity to be heard in a manner which provides sufficient time and information to prepare a statement. The Grievance Protocol provides these safeguards.

3.1.2 Absence of Bias

Absence of bias means that the grievance resolution process guarantees a complainant access to decision making by persons who are disinterested or unbiased in relation to the matter to be decided. The Grievance Resolution Protocol includes provisions which protect all parties from bias by decision makers.

3.1.3 Expeditious Handling of Complaints

Expedient handling requires that grievances be brought to a point of clear resolution without undue delay. The Grievance **Resolution** Protocol specifies time limits on responses at each stage of the process.

3.2 Outline of Process

The grievance resolution process contains an informal stage and a formal stage,

The informal stage allows for grievances to be resolved directly and promptly by the key players, with or without the assistance of others, and keeping procedural requirements to a minimum. The informal stage is that part of the process which precedes the detailing of a complaint in writing to the Grievance Resolution Officer.

The formal stage provides procedural follow through where resolution is not achieved in the informal stage. The formal stage commences when an aggrieved party details a complaint in writing to the Grievance Resolution Officer. In this stage the Grievance Resolution Officer directly monitors all actions taken.

Advice and support are available to all parties.

There are formal procedures for withdrawing a complaint and for declaring a matter resolved.

3.3 Grievance Resolution Process Management

3.3.1 Procedural Requirements

This Protocol defines the responsibilities of all parties in making or responding to a grievance.

3.3.2 Management Responsibility

The primary responsibility for responding to grievances rests with staff who have line management responsibilities for the area in which a grievance arises.

3.3.3 Grievance Resolution Officer

The Grievance Resolution Officer is a person employed by the University in a role which stands apart from University management and who provides *independent procedural assistance* to all parties concerned with making or responding to a grievance.

The Grievance Resolution Officer also oversees compliance with the procedural requirements specified in this Protocol.

The Grievance Resolution Officer is not a mediator, and has no authority to make judgements about the correctness or otherwise of the subject of a grievance.

3.3.4 Grievance Resolution Committee

Grievances not otherwise resolved are dealt with by a Grievance Resolution Committee. This is a small senior executive committee which provides high level internal independent review of a grievance and advises the Vice-Chancellor on required action.

4.0 GRIEVANCE RESOLUTION PROCESS: INFORMAL STAGE

The informal stage of the grievance resolution process consists of procedures for responding to a complaint which has not been submitted in writing to the Grievance Resolution Officer.

A complainant is not required to submit his or her complaint in writing to any party during this stage.

4.1 Complainant's Responsibilities

4.1.1 Step 1

Procedure

Wherever practicable, a complainant should first seek to resolve a grievance by talking directly to the person with whom she or he has the grievance. If you do not feel comfortable about making this initial direct contact because you feel intimidated, you should seek advice and/or support (see section below and Flow charts).

Advice on Procedure

It is acceptable to seek advice first and it is wise to do so if your complaint has serious implications and/or if you wish someone to accompany you to a meeting. The other party also has the right to take advice and/or be accompanied to a meeting.

If the grievance has to do with the behaviour of another person towards you, you should talk directly to that person where possible. If the grievance has to do with a decision, process or activity of the University which adversely affects you, you should talk to the person with management responsibility for that decision, process or activity.

Do not hesitate to seek advice if you need it. You may have questions as to where responsibility for your grievance rests, or how best to approach the other party, or some other procedural matter.

If you think it might be helpful to have someone accompany you to a meeting, discuss that option with an appropriate person.

See Section 10 for information on advice and support.

4.1.2 Step 2

Procedure

If Step 1 has not resolved the issue and you wish to proceed, you must speak to the person with management responsibility for the situation of concern (hereafter called the "line manager").

Advice on Procedure

Again, it is acceptable for any party to seek advice and/or the accompaniment of a supporting person.

If you are not sure who the relevant line manager would be, seek advice from the Grievance Resolution Officer.

If you believe that a situation exists which makes it impossible for you to raise the issue of concern with the line manager, e.g. because it is the line manager against whom you have a grievance, you should approach the Grievance Resolution Officer for procedural advice.

4.2 Line Manager's Responsibilities

Line managers' responsibilities in relation to grievances flow directly from their normal managerial responsibilities.

Upon receiving a complaint a line manager shall proceed through the steps outlined below. See also Section 7: Records and Confidentiality.

The required steps upon receiving a complaint are -

- process clarification
- response
- sign off

4.2.1 Process Clarification

Outcomes

Issues clarified, action plan formulated and all parties informed.

Time Limit

To be completed within five working days of receiving complaint.

Procedures

Discuss the issues raised with the parties separately in order to clarify the nature of the claims being made. No solutions should be suggested at this time. Make it clear to all parties that the initial goal is simply to clarify the grievance.

Before proceeding, a line manager then needs to answer the following questions.

1. *Am I directly implicated in the grievance?*
If so you should refer the matter to your line manager.
2. *Is this my area of responsibility?*
If not, the matter should be referred to the appropriate person.
3. *Can the matter be resolved at my level?*
If not, refer to your line manager.
4. Do I need assistance?

You should not hesitate to seek assistance from your own line manager, or to seek professional assistance, personal or procedural, if you see a need to do so.

If you are continuing to manage the grievance response you then need to formulate an action plan. The plan will be one or more of the actions listed under “response” below.

Discuss the plan with your line manager, if you are not Head of School/Area/Dean of Faculty or a more senior officer. The Head of School/Area/ Dean of Faculty may choose to assume control of the process at this time.

Inform all parties to the grievance of your plan.

4.2.2 Response

Outcome

Action plan carried through.

Time Limit

To be completed within 21 calendar days of first receipt of complaint.

Procedures

The following courses of action are available. The goal is to resolve the matter in a manner which will be recognised by all parties as fair and effective.

Review additional information

You may need to review additional information before proceeding. You should limit such review to matters for which you have responsibility in the normal course of your duties. No information should be sought in a manner, or at a level of formality, which goes beyond the normal discharge of your responsibilities.

Direct action by line manager

If, after having assessed available information, you believe that appropriate action on your part would resolve the matter, such action should be taken and the parties informed.

Determination by the line manager

You may decide that a grievance is without foundation and notify the parties involved to that effect. Should an aggrieved party wish to challenge such a determination he or she may file a formal complaint with the Grievance Resolution Officer.

Meeting to resolve issue

If, after having assessed available information, you believe that there is reasonable prospect of resolving the matter at a meeting of all parties, you should convene such a meeting. All parties should be informed of their right to be accompanied by another person if they so choose. See also Section 7: Records and Confidentiality.

Recommendation to parties to seek assistance

You may recommend to any of the parties that they seek assistance from an appropriate source before attending any meeting, or invite an appropriate third party to accompany them to a meeting. Even when such a suggestion is not taken up, it may assist in setting an expectation of fair and rational problem solving.

Mediation or other conflict resolution assistance

If any party to a grievance believes that mediation or some other form of independent assistance may assist in reaching a resolution, they may suggest that to the other parties involved. If all parties agree to mediation or other assistance they may approach the University Counselling Service to obtain that assistance.

Recommend direct referral to the Grievance Resolution Officer

When it seems unlikely that a grievance could be resolved informally, it may be appropriate to recommend to the complainant that she or he take the matter straight to the Grievance Resolution Officer. Before making such a recommendation, you should discuss the matter with the Grievance Resolution Officer.

Student discipline

Where appropriate, you may initiate action under the Student Discipline Statute.

Work performance

Where appropriate, you may initiate action under the appropriate Enterprise Agreement.

4.2.3 Sign Off

Outcome

You formally terminate your management of the grievance response.

Time Limit

To be completed within five working days of completion of response phase.

Procedures

Conclude the informal stage as follows:

If the matter is resolved or withdrawn

Complete formal sign off. See Section 6 for procedures.

If the matter is not resolved or withdrawn

If you are not a Head of School/Area/Dean of Faculty, refer the matter to your Head of School/Area/Dean of Faculty in writing.

4.3 Responsibilities of Head of School/Area/Dean of Faculty

4.3.1 General

Heads of School/Area are responsible for effective resolution of grievances within their areas of responsibility. To this end they shall assist members of their staff in responding to grievances and shall assume control of the response process where appropriate.

4.3.2 Grievance Not Resolved Within 21 Calendar Days

Where a grievance is not resolved within 21 calendar days of receipt of the complaint, the Head of School/Area/Dean of Faculty shall inform the relevant Executive Manager of the current situation with respect to the grievance.

The Executive Manager may either initiate further action at this point or instruct the Head to move the matter to the formal stage.

In the latter case the Head shall inform the aggrieved party in writing that no further action is contemplated unless the aggrieved party submits a

formal complaint within 14 calendar days to the Grievance Resolution Officer. A copy of this notification shall be sent to

- (a) the relevant Executive Manager
- (b) the Grievance Resolution Officer
- (c) the parties against whom the grievance was raised.

4.3.3 Organisational Follow Through

The Head of School/Area/Dean of Faculty shall consider how the interests of other staff or students may have been affected, and/or may continue to be affected, by matters raised in the context of a grievance, and shall take appropriate action to resolve any ongoing problems.

The Head of School/Area/Dean of Faculty shall not commence any follow up action which could be reasonably believed to interfere with an ongoing grievance process.

Organisational follow through shall not normally commence until all steps within the grievance process have been completed. Any action contemplated before this time shall be cleared with the Grievance Resolution Officer before implementation. (See also Section 7: Records and Confidentiality.)

4.3.4 Criminal Offences

If a Head of School/Area/Dean of Faculty forms the belief that a criminal offence may have been committed, she or he shall refer the matter forthwith to the Director Legal Services.

4.3.5 External Action by Aggrieved Parties

An aggrieved person may choose to exercise his or her rights under statute or common law via courts or tribunals external to the University.

Where a person initiates action external to the University to resolve a grievance, any action under way or contemplated under this Protocol shall cease.

A matter dealt with externally shall not be further dealt with under this Protocol unless referred back to the University by some external authority.

On forming a belief that a person has taken action external to the University to resolve a grievance, the Head of School/Area/Dean of Faculty shall take advice from General Counsel on the steps to be followed.

4.4 Responsibilities of Executive Managers

4.4.1 General

Executive Managers shall assist Heads in resolving grievances and shall assume management of grievance response where such action seems appropriate.

Executive Managers shall ensure appropriate organisational follow through of grievances which come to their attention.

4.4.2 Grievance Not resolved Within 21 Calendar Days

Outcome

Grievance resolved or becomes formal

Time Limit

A further 10 calendar days

Procedures

Where an Executive Manager considers that a grievance has good potential for effective resolution within a further 10 calendar days, he or she may take action designed to achieve that outcome. If the matter is not then resolved within 10 calendar days the Executive Manager shall move the matter to the formal stage in the manner described above.

Alternatively, the Executive Manager may instruct the Head of School/Area/Dean of Faculty concerned to move the matter to the formal stage forthwith, thereby reserving any executive response to the formal stage.

4.5 Grievance Resolution Officer's Responsibilities

The Grievance Resolution Officer shall provide procedural advice to any party to a grievance during the informal stage upon request.

The Grievance Resolution Officer may also assist in identifying resources to assist in conflict resolution and in making the best use of such resources.

The Grievance Resolution Officer shall not, however, personally mediate in any grievance.

5.0 GRIEVANCE RESOLUTION PROCESS: FORMAL STAGE

The formal stage commences when a complainant submits a complaint in writing to the Grievance Resolution Officer.

5.1 Complainant's Responsibilities

5.1.1 Step 3

Procedure

If a grievance is not resolved in the informal stage and you wish to pursue the matter, you must submit the complaint in writing to the Grievance Resolution Officer.

Advice on Procedure

Any grievance not resolved within 31 calendar days of first submission may be submitted formally.

You may seek advice from the Grievance Resolution Officer concerning formal aspects of presentation of your written complaint.

5.1.2 Withdrawal of Complaint

You may choose to withdraw your complaint by following the procedures outlined in Section 6.

If an unresolved complaint is neither submitted formally nor withdrawn, it shall be deemed withdrawn under the provisions of Section 6.

5.2 Line Manager's Responsibilities

During the formal stage the process is managed by the Grievance Resolution Officer. This means that responsibility for initiating action is then transferred to the Grievance Resolution Officer and any action taken by a line manager during the formal stage shall be in response to communication with the Grievance Resolution Officer.

The line manager should expect a request from the Grievance Resolution Officer for a written statement on the progress of the grievance to that point.

Within five working days of receiving such a request the line manager shall provide the Grievance Resolution Officer with a written statement as requested.

5.3 Grievance Resolution Officer's Responsibilities

5.3.1 Assistance to complainant

The Grievance Resolution Officer shall on request assist a complainant to prepare the written complaint in a formally acceptable way, avoiding irrelevancies and inappropriate statements.

5.3.2 Initiating formal response

Within two working days of receiving the written complaint the Grievance Resolution Officer shall -

- provide a copy of the complaint as submitted to the appropriate Head of School/Area/Dean of Faculty (or that person's line manager if the Head/Dean is a party to the complaint)
- request from the Head/Dean (or Head's/Dean's line manager) a written report outlining actions taken by the School or Area during the informal stage, currently available evidence bearing on the initial complaint, and making any recommendations for further action the Head/Dean (or line manager) may deem appropriate
- ensure that respondent(s) are provided with a copy of the complaint as submitted
- invite the complainant to outline the actions which have occurred during the informal stage

5.3.3 Ongoing Process Management

Upon receiving the report on the informal stage, the Grievance Resolution Officer shall consult with other parties as necessary, determine the next course of action, and ensure that all parties are informed of the steps to be taken and the time frame within which they are to be completed.

The Grievance Resolution Officer shall continue to manage the process from this point. The aggrieved party may withdraw the grievance at any time by submitting to the Grievance Resolution Officer the appropriate formal sign-off statement.

The Grievance Resolution Officer shall refer to a Grievance Resolution Committee any matter which in the Grievance Resolution Officer's opinion cannot be satisfied through the other procedures provided in this Protocol.

6.0 SIGNING OFF

6.1 Resolution

6.1.1 Provisions

1. A complainant may, at any time in the process, declare that his or her grievance is resolved. Such a declaration must be in writing, even in the informal stage, to protect all parties.
2. In the absence of such a declaration, the line manager (informal stage) or Grievance Resolution Officer (formal stage) may declare a grievance to be deemed resolved if there are reasonable grounds for believing that the matter has been satisfactorily concluded.

6.1.2 Procedures

A complainant may at any time provide the line manager (informal stage) or the Grievance Resolution Officer (formal stage) with a written

statement, signed and dated, stating that the grievance in question is now resolved.

Upon forming the belief that a grievance has been resolved the line manager (informal stage) or the Grievance Resolution Officer (formal stage) shall orally request from the complainant a written statement to that effect if such has not already been received.

Five working days after the issuing of such oral request, if -

- (a) a written statement of resolution has not been received from the complainant; and
- (b) the line manager (informal stage) or Grievance Resolution Officer (formal stage) is still of the opinion that the grievance has been resolved

the line manager or Grievance Resolution Officer shall notify the complainant in writing that the grievance is deemed to be resolved. The complainant shall have seven days to raise an objection in writing should he or she not consider the grievance to be resolved.

Within two working days of resolution of a grievance, the line manager (informal stage) or the Grievance Resolution Officer (formal stage) shall inform all other parties involved.

6.2 Withdrawal

6.2.1 Provisions

1. A complainant may, at any time in the process, declare that his or her grievance is withdrawn. Such a declaration must be in writing, even in the informal stage, to protect all parties.
2. It is not necessary for a complainant to provide any reason for withdrawal of a grievance.
3. When a complainant withdraws a grievance, any allegation made against any member of the University community within that grievance shall lapse.
4. The principle of good faith applies. The raising of a grievance against another party falsely and maliciously, whether or not the grievance is subsequently withdrawn, can itself become the subject of formal action.
5. When actions taken during the informal stage have not resolved a grievance but the complainant chooses not to proceed to a formal complaint, the Grievance Resolution Officer shall declare the grievance to be deemed withdrawn.
6. A complaint shall not normally be re-introduced once it has been withdrawn. A complainant wishing to re-introduce a withdrawn complaint shall apply to the Grievance Resolution Officer providing reasons for the request. The Grievance Resolution Officer shall have sole discretion to allow or refuse re-introduction of the complaint.

6.2.2 Procedures

In order to withdraw a grievance the complainant shall provide the line manager (informal stage) or the Grievance Resolution Officer (formal stage) with a written statement, signed and dated, stating that the grievance in question is now withdrawn.

If a grievance is not resolved during the informal stage within the specified time limits, the line manager shall inform the complainant in writing that no further action is contemplated unless the aggrieved party

submits a formal complaint to the Grievance Resolution Officer. The line manager shall send a copy of that notification to -

- (a) his or her line manager; and
- (b) the Grievance Resolution Officer.

Upon receiving such notice the aggrieved party shall have 14 days to submit his or her complaint in writing to the Grievance Resolution Officer.

If a written complaint has not been received within 14 days, the Grievance Resolution Officer shall declare the grievance to be deemed withdrawn and shall notify the complainant to that effect.

Within two working days of withdrawal of a grievance the line manager (informal stage) or the Grievance Resolution Officer (formal stage or deemed withdrawal) shall inform all other parties involved.

7.0 RECORDS AND CONFIDENTIALITY

7.1 Confidentiality

All records held by officers of the University in relation to grievances shall be treated as confidential. For the purposes of this Protocol this means that they shall only be made available to a person

- who is a party to the grievance; or
- who is or has been legitimately involved in the management of that grievance; or
- who has a formal management role in following up the consequences or implications of that grievance.

Managers shall take particular care not to disclose any information concerning a grievance to any other party. All material should be marked 'confidential' and treated in a confidential manner.

7.2 Freedom Of Information

Freedom of Information legislation may prevent third parties from gaining access to records held in relation to a grievance, especially if the confidentiality of the record in question can be established. FOI legislation may also allow access by any of the parties involved or named in a record.

The labelling of a document as "Confidential" may not provide exemption from release to a third party under Freedom of Information legislation. Any application for access to material thus marked will be dealt with in accordance with the legislation.

All requests for information under FOI legislation should be directed to the University's FOI Coordinator.

7.3 Defamation

While there are various formulations, the law of defamation essentially means that material published about an identifiable person which tends to lower that person in the esteem of the community is defamatory.

If a person proves all the elements, damages can be awarded by a court unless the person who published the material (orally or in writing) can establish one of the defences. Possible defences include qualified privilege, consent, absolute privilege, justification (i.e. truth), and fair comment on a matter of public interest.

A statement may attract qualified privilege if it is made in the performance of a legal or moral duty to a person having a corresponding duty to receive it.

All cases are different and the comments in this section do not constitute legal advice nor do they contain a statement of the law in relation to any particular matter. If in any doubt, officers of the University should seek advice from Legal Services before making any statement, orally or in writing, to any person.

7.4 Record Keeping

Line managers must maintain records of proceedings and outcomes which meet the requirements outlined below. The level of detail and time over which records are maintained will depend to some extent on the line manager's judgement of the potential future importance of the records both to the line manager and to others.

The Grievance Resolution Officer shall maintain a file for each formal complaint. These files shall constitute the Central Grievance Records and shall be held in secure and confidential storage by the Records Office for a period of not less than seven years.

7.4.1 Informal Stage

The complainant presents only an oral account of the grievance.

On receipt of the complaint the line manager raises a file note showing name of complainant, general (not detailed) nature of grievance, date on which complaint is received, and party(ies) against whom grievance is raised.

Thereafter the line manager records by date each action taken, parties involved at each step, meetings held, outcomes of actions, and copies of any documentation presented.

These file notes are to be maintained until a matter is resolved or withdrawn.

When informal complaints are resolved or withdrawn, all file notes may be destroyed except for -

- the complainant's statement of withdrawal or resolution; and
- a note to the effect that other file notes have been destroyed.

7.4.2 Formal Stage

The line manager shall raise file notes which commence with the written statement of complaint and contain details of all subsequent actions, communications, names, dates and outcomes.

The Grievance Resolution Officer shall also maintain a record of all action in respect of a complaint.

Line managers shall make available to the Grievance Resolution Officer on request copies of all file notes relevant to a particular complaint.

Upon resolution of a grievance or determination of a grievance by a Grievance Resolution Committee, a line manager may request that any records he or she holds be held on the relevant grievance file in the Central Grievance Records. Where any such records are so transferred the Grievance Resolution Officer shall issue the line manager with written confirmation of the transfer.

Line managers should seek advice from the Grievance Resolution Officer before destroying any records relating to an informal complaint.

7.4.3 Organisational Follow Through

When -

- a formal grievance resolution process has been concluded; and
- the outcome does not reflect adversely on the respondent(s); and
- the complaint has become public

then the Grievance Resolution Officer shall take action to update and correct the public record.

When a formal grievance resolution process has been concluded, regardless of its outcome, the Grievance Resolution Officer shall provide the General Manager, Student and Staff Services with a copy of the formal complaint, the names of complainant(s) and respondent(s), and a statement as to the outcome of the complaint.

8.0 GRIEVANCE RESOLUTION OFFICER

8.1 Responsibilities

The Grievance Resolution Officer shall be responsible for the implementation of the Grievance Resolution Policy.

Key areas of responsibility within this include -

- monitoring and control of the grievance process
- providing education and consultative support relating to grievances
- providing pro-active advice on necessary change and development within the University
- fostering awareness of the responsibility of University managers to observe legislation and University policies and procedures
- reporting each year to the Vice-Chancellor on the number, categories and disposition of all complaints in the preceding twelve months.

8.2 Powers

The Grievance Resolution Officer shall have the power to -

- discover, or cause to be discovered, any information held by the University relevant to a formal complaint;
- refer any matter to a Grievance Resolution Committee at any time and shall have such other powers as may be delegated by the Vice-Chancellor from time to time.

8.3 Place in organisation

The Grievance Resolution Officer shall be employed under conditions which ensure that the incumbent is able to function, and be seen to function, with a high degree of autonomy and independence from University management in giving effect to the Grievance Resolution Policy.

9.0 GRIEVANCE RESOLUTION COMMITTEE

9.1 Reference to a Grievance Resolution Committee

The Grievance Resolution Officer will endeavour to obtain resolution of the grievance within three months of the date of lodgement of the grievance. Where three months have elapsed, and the Grievance Resolution Officer is of the opinion that the matter cannot be resolved satisfactorily through the other procedures provided in this Protocol, the grievance shall be referred to a Grievance Resolution Committee.

9.2 Constitution

A Grievance Resolution Committee shall be constituted by the Deputy Vice-Chancellor in accordance with this section whenever a matter is referred to a Grievance Resolution Committee.

No person having a personal interest or prior involvement in any matter to be dealt with by a Grievance Resolution Committee shall sit on that Committee.

A Grievance Resolution Committee shall be constituted such that both genders are represented.

A Grievance Resolution Committee shall consist of -

- A community Council member as Chairperson, and appointed by the Council
- An Executive Manager of the University nominated by the Vice-Chancellor
- A Head of School/Area/Dean of Faculty nominated by the Vice-Chancellor
-
- If one of the parties is a student, one of the two student members on the Council. If the student is a postgraduate student, the postgraduate Council member will serve; if the student is an undergraduate student, the undergraduate Council member will serve;
- One person nominated by the Curtin branch of the National Tertiary Education Union (NTEU);
- One directly elected staff representative from the Academic Staff and/or the General Staff.

The Grievance Resolution Officer will be the Secretary and Executive Officer of any Grievance Resolution Committee and have rights of audience and debate but no voting rights.

If it is inappropriate that any member of the Grievance Resolution Committee deliberates in a particular case, the Vice-Chancellor and the Chair of the Committee will jointly determine an appropriate alternative. If either the Vice-Chancellor or the Chair of the Committee is a party to the dispute, then the Chancellor will act in the stead of the affected Officer in making the determination.

[Note: The composition for the Grievance Resolution Committee will be considered further as part of the review of the Grievance Resolution policy currently being undertaken.]

9.3 Terms of Reference

9.3.1 Procedures

The Committee shall determine its own procedures in accordance with the principles of natural justice.

The Committee may conduct hearings, authorise investigations, and seek written or oral submissions from people it believes can assist in its deliberations by way of evidence or expert opinion.

The Committee shall allow the presence of advocates at any hearing it may conduct provided that such advocates shall not be barristers or solicitors.

9.3.2 Decisions

The Committee shall determine whether or not a complaint is upheld.

Whether or not a complaint is upheld, the Committee shall recommend to the Vice-Chancellor such action as it believes appropriate in relation to

the immediate grievance and/or to matters of organisational importance which flow from its review of a grievance.

The Committee may recommend to the Vice-Chancellor that disciplinary action be taken but shall not itself act as a disciplinary body or impose disciplinary penalties.

10.0 ADVICE AND SUPPORT

An aggrieved person, a respondent, or a line manager may seek general procedural advice, personal support or professional assistance at any time.

10.1 Seeking Advice

Resources for advice and support are listed below.

It is important for any party to a discussion of a grievance to treat information conveyed as confidential. Inappropriate disclosure can create vulnerability to a charge of defamation.

10.2 Seeking Support

It is appropriate for an aggrieved person, a respondent or a line manager to be supported by a person of their choice at a meeting at which a grievance is to be discussed, subject to the provisos below.

It is important that the role of the third party be established before or at the commencement of the meeting. For example is the supporter there to aid general communication? To provide assistance where language or cultural background could be an issue? To monitor and facilitate fair play? To advise on process during the meeting? To speak on behalf of his or her party (i.e. to be an advocate)?

It is recommended that as far as possible, especially during the informal stage, aggrieved parties speak on their own behalf and limit the extent to which a supporting party responds to questions on their behalf.

A person recruited to act in a supporting role may be a friend, colleague, officer of a staff association or union or the Student Guild.

10.3 Seeking Professional Assistance

10.3.1 Individual Advice

It is open to any of the parties to seek independent professional advice (legal, psychological, etc.) as private advice for themselves. In so doing, a confidential professional relationship is established which stands apart from the grievance process per se.

10.3.2 Conflict Resolution

Any party may request professional assistance in conflict resolution. Such assistance may be recruited by a line manager (during the informal stage) or by the Grievance Resolution Officer (during the formal stage). In either case such an approach shall only proceed if all parties concur with that approach and provided that the person to be appointed is acceptable to all parties.

Professional assistance may be in the form of mediation or in the form of some other dispute resolution process. A characteristic of all such methods is that the first task of the professional mediator or facilitator is to explain the rights and obligations of all parties within the process to be used. Unanimous agreement about process is required before commencing. Failure to achieve such agreement terminates the process. An important feature of this form of assistance is that it focuses on

process and is not aligned with any party to a grievance. (This contrasts with the role of an advocate, whose task is to provide support to only one of the parties.)

Professional assistance with conflict resolution is available free of charge from the University Counselling Service. Schools/Faculties and Areas are responsible for the costs of any external professional assistance they recruit.

10.4 Resources for Advice and Support

10.4.1 Student Services

Student Services is responsible for central student administration and can provide advice on all matters relating to enrolment, examinations, fees, graduation, status, student discipline and student records.

10.4.2 Staff Services

Staff Services is responsible for central staff administration and can provide advice on all matters related to terms and conditions of employment, disciplinary proceedings, staff conflict and other industrial matters.

10.4.3 Grievance Resolution Officer

Any member of the University community may seek the advice of the Grievance Resolution Officer at any time. The Grievance Resolution Officer shall provide advice regarding process, taking account of the nature of the grievance. The Grievance Resolution Officer shall not, however, offer any opinion which would pre-empt the grievance resolution process.

10.4.4 Independent Legal Advice

It is open to any party to seek independent legal advice. Costs of so doing are the responsibility of the party seeking the advice.

10.4.5 Harassment Contact Officers and Grievance Conciliators

Harassment Contact Officers are available to provide advice and Grievance Conciliators are also available to attend meetings to assist in resolving conflicts relating to harassment.

10.4.6 Student Guild

The Student Guild's Student Assist Office provides information to students on University policy, including grievance procedures. The Student Assist Officers are able to act as third party for Guild Members who have to attend meetings within the University.

10.4.7 Staff Unions

The NTEU/ASA/CPSU/EDC provide advice and advocacy services to their members.

10.4.8 University Counselling Service

The University Counselling Service provides general advice and support as well as specialised conflict resolution services, including mediation.

10.4.9 Office of Research and Development

10.4.10 Dean, Graduate Studies

10.5 Limitations on Support

1. No party shall be accompanied to or represented at meetings convened under these procedures by a barrister or solicitor.
2. Supporting parties shall not attend meetings convened as a part of a formal conflict resolution process conducted by an appointed professional. (It would be inappropriate, for example, for a person acting as an advocate to participate in a mediation.)

11.0 GRIEVANCES AGAINST THE VICE-CHANCELLOR

As provided in this Protocol a person who is aggrieved about a decision or action of the Vice-Chancellor should first seek to resolve that grievance by talking directly with the Vice-Chancellor.

Where the aggrieved person does not feel able to do so, or has approached the Vice-Chancellor but is dissatisfied with the outcome, he or she may communicate in writing their grievance or dissatisfaction with the outcome to the Chancellor.

The aggrieved person may consult the Grievance Resolution Officer on the construction of the formal notification to the Chancellor.

The Chancellor shall, at his or her discretion, determine how the grievance should be considered, and resolved.

12.0 DISCLAIMER

This Protocol has been developed solely for use in relation to Curtin University's Grievance Resolution Policy. No responsibility is accepted to any third party who may come into possession of this document in whatever manner and who may use or rely on the whole or any part of this document. If any such third party attempts to rely on any information contained in this document such party should obtain independent advice in relation to such information.

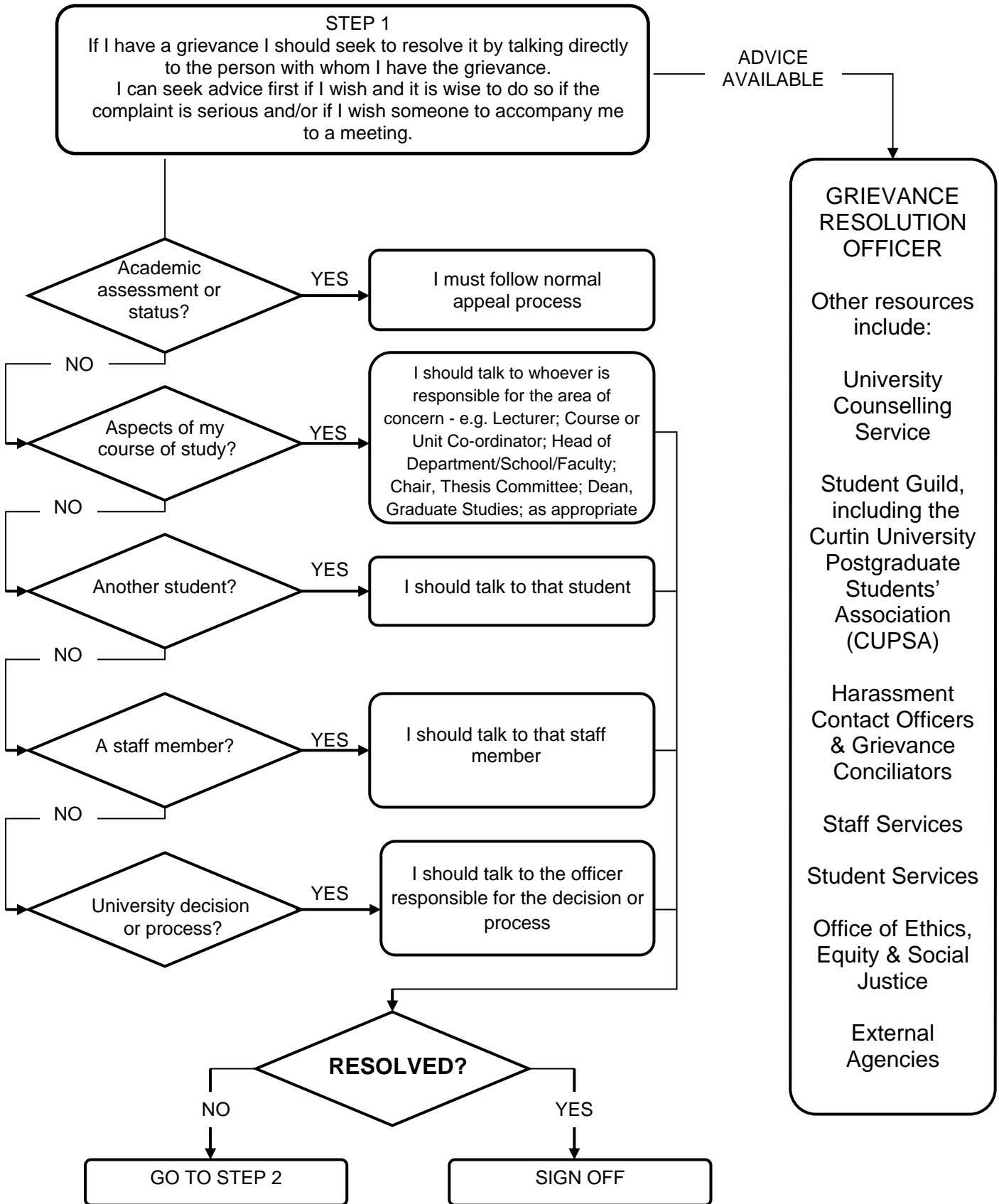
RESPONSIBILITIES	
Contact:	General Counsel, Legal and Compliance
Tel:	(08) 9266 2767
Fax:	(08) 9266 2768
Approval Authority:	Planning and Management Committee

REVISION HISTORY:

Revision Ref. No.	Approved/ Rescinded	Date	Committee/ Board	Resolution Number	Document Reference
E008/P1.1	Approved	28 March 2003	Academic Senate	AS 74/03	AS 47/03 Attachment 2. (Replacing Grievance Resolution Protocol Attachment 2 to Doc UAB 28/98.)
E008/P1.2Changes relating to Higher Education Workplace Reform Requirements (HEWRRs)	Approved	22/11/2005	PMC	PMC 137/05 (i)	01380/05
E008/P1.2B	Approved	25/10/2006	Council	C 150/06 (iii)	01108/06
E008/P1.2A	-	28/05/07	-	-	Amended to replace references to ' <i>Fraud Policy</i> ' with ' <i>Corruption and Crime Commission Policy and Procedures</i> '. Responsibility – University Secretary replaced by Director, Legal & Compliance Services (as advised by Policy Officer).

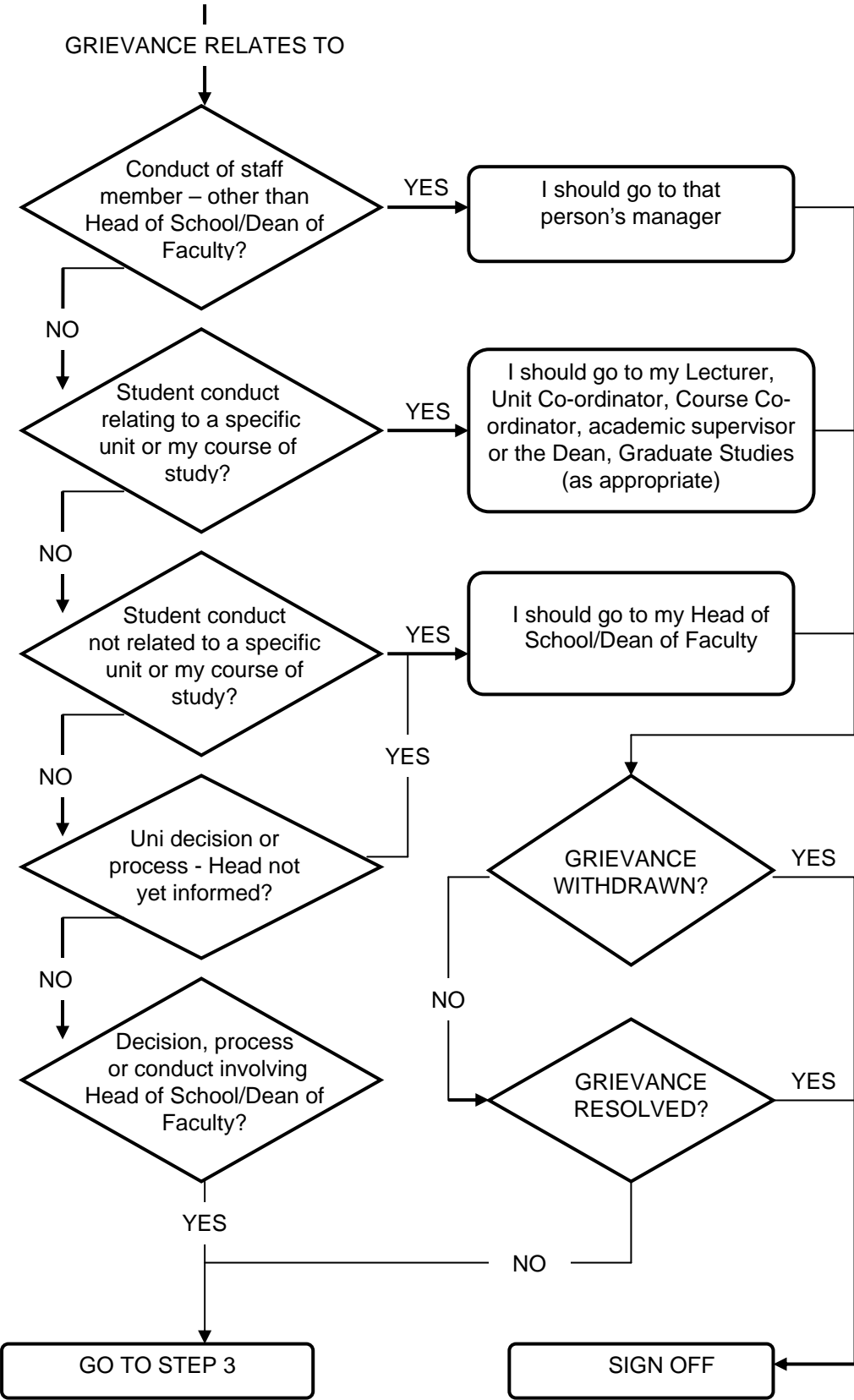
APPENDIX 1: GRIEVANCE RESOLUTION FLOWCHARTS

GRIEVANCE RESOLUTION PROCESS - INFORMAL STAGE STUDENTS



**GRIEVANCE RESOLUTION PROCESS - INFORMAL STAGE
STUDENTS**

STEP 2
 If I wish to continue, I should now talk to the person with **line management responsibility** for the situation of concern
 I can seek advice first if I wish and it is wise to do so if the complaint is serious and/or if I wish someone to accompany me to a meeting.



ADVICE AVAILABLE

GRIEVANCE RESOLUTION OFFICER

Other resources include:

- University Counselling Service
- Student Guild, including the Curtin University Postgraduate Students' Association (CUPSA)
- Harassment Contact Officers & Grievance Conciliators
- Staff Services
- Student Services
- Office of Ethics, Equity & Social Justice
- External Agencies

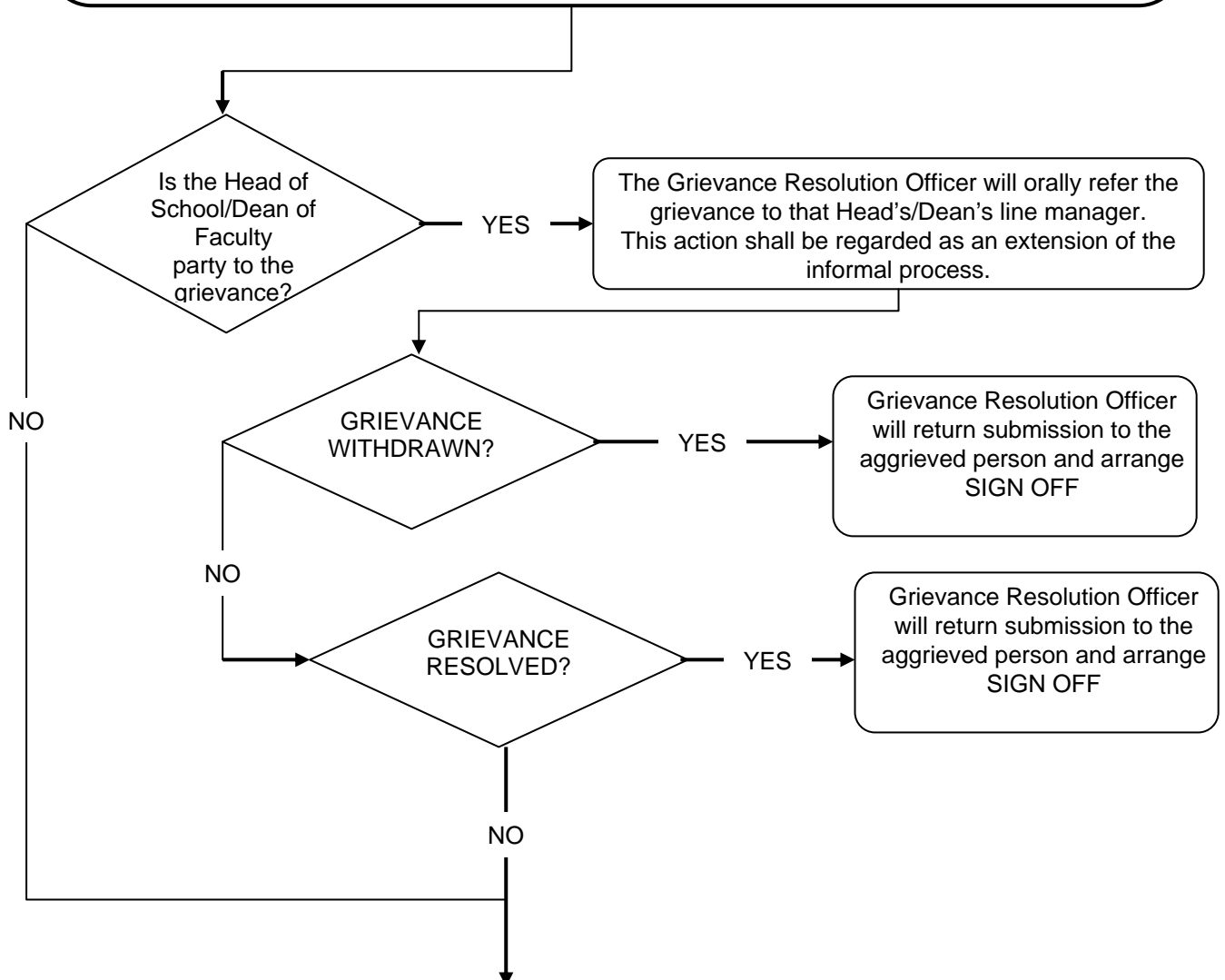
**GRIEVANCE RESOLUTION PROCESS – FORMAL STAGE
STUDENTS**

STEP 3

If I wish to proceed, the grievance must now be detailed in writing and submitted to the Grievance Resolution Officer who from this point forward will manage the progress of the grievance.

The advice of the Grievance Resolution Officer must be sought to ensure the correct **formal** preparation of the written submission. (The Grievance Resolution Officer will not offer advice on the **substance** of the grievance.)

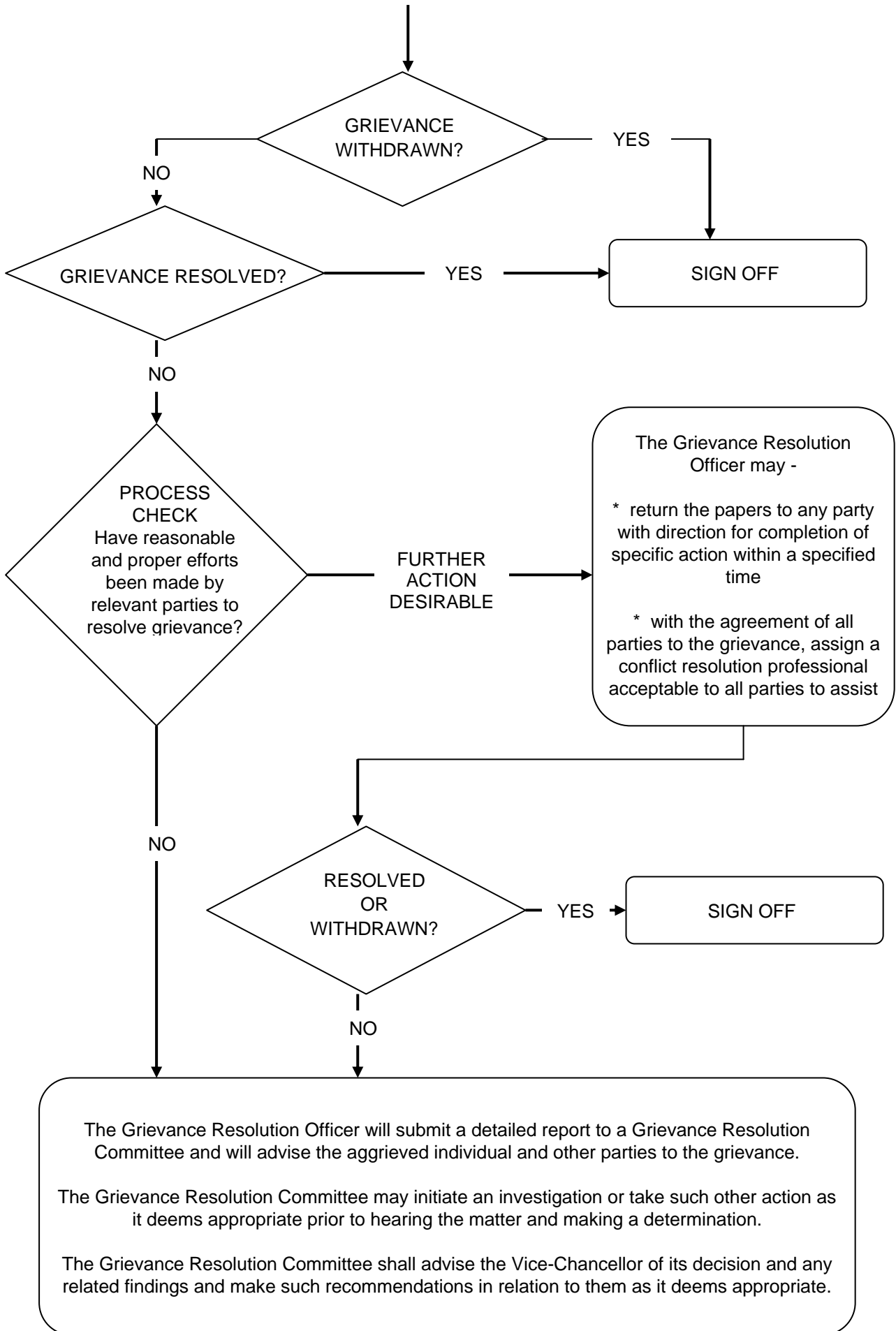
The Grievance Resolution Officer will ensure that the aggrieved party receives feedback on progress towards resolving the grievance at intervals not exceeding seven working days.



The Grievance Resolution Officer will -

- * refer the written complaint to (or back to, as case may be) the relevant Head of School/Dean of Faculty/Head of Area OR to that person's line manager if the Head/Dean is party to the grievance
- * provide the party(ies) against whom the grievance is raised with a copy of the complaint as submitted within two working days of receipt of the grievance

**GRIEVANCE RESOLUTION PROCESS – FORMAL STAGE
STUDENTS**



**GRIEVANCE RESOLUTION PROCESS - INFORMAL STAGE
STAFF**

STEP 1

If I have a grievance I should seek to resolve it by talking directly to the person with whom I have the grievance.
I can seek advice first if I wish and it is wise to do so if the complaint is serious and/or if I wish someone to accompany me to a meeting.

ADVICE
AVAILABLE

**GRIEVANCE
RESOLUTION
OFFICER**

Other resources
include:

University
Counselling
Service

Student Unions

Staff Services

Harassment
Contact Officers
& Grievance
Conciliators

Office of Ethics,
Equity & Social
Justice

External
Agencies

Is the person
with whom I have the
grievance my line
manager?
Another member of
staff?
A student?

YES

I should talk directly to the
person concerned

NO

University decision
or process?

YES

I should talk to the officer
responsible for the decision
or process

RESOLVED?

NO

GO TO STEP 2

YES

SIGN OFF

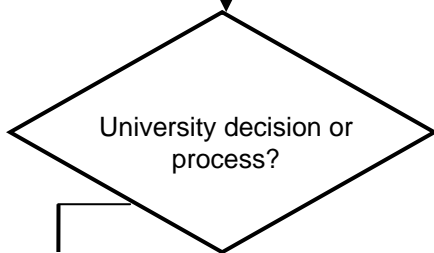
**GRIEVANCE RESOLUTION PROCESS - INFORMAL STAGE
STAFF**

STEP 2

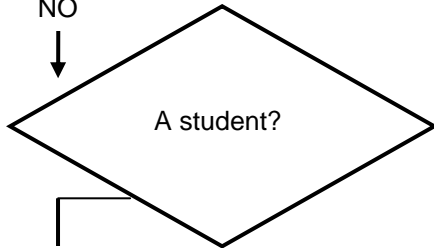
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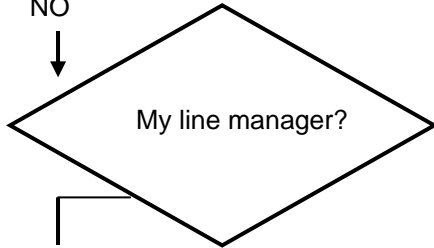
GRIEVANCE RELATES TO



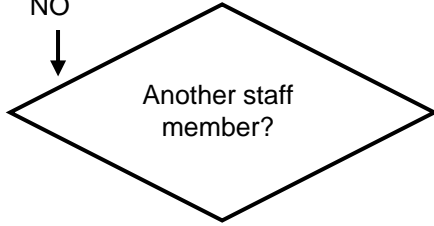
YES
I should talk to the line manager of the person responsible for the decision or process and inform my own line manager



YES
I should talk to my line manager



YES
I should talk to my line manager's manager



YES
I should talk to the staff member's line manager and inform my own line manager of my action



NO
GO TO STEP 3

YES
SIGN OFF

ADVICE AVAILABLE

GRIEVANCE RESOLUTION OFFICER

Other resources include:

- University Counselling Service
- Student Guild, including the Curtin University Postgraduate Students' Association (CUPSA)
- Harassment Contact Officers & Grievance Conciliators
- Staff Services
- Student Services
- Office of Ethics, Equity & Social Justice
- External Agencies

**GRIEVANCE RESOLUTION PROCESS - FORMAL STAGE
STAFF**

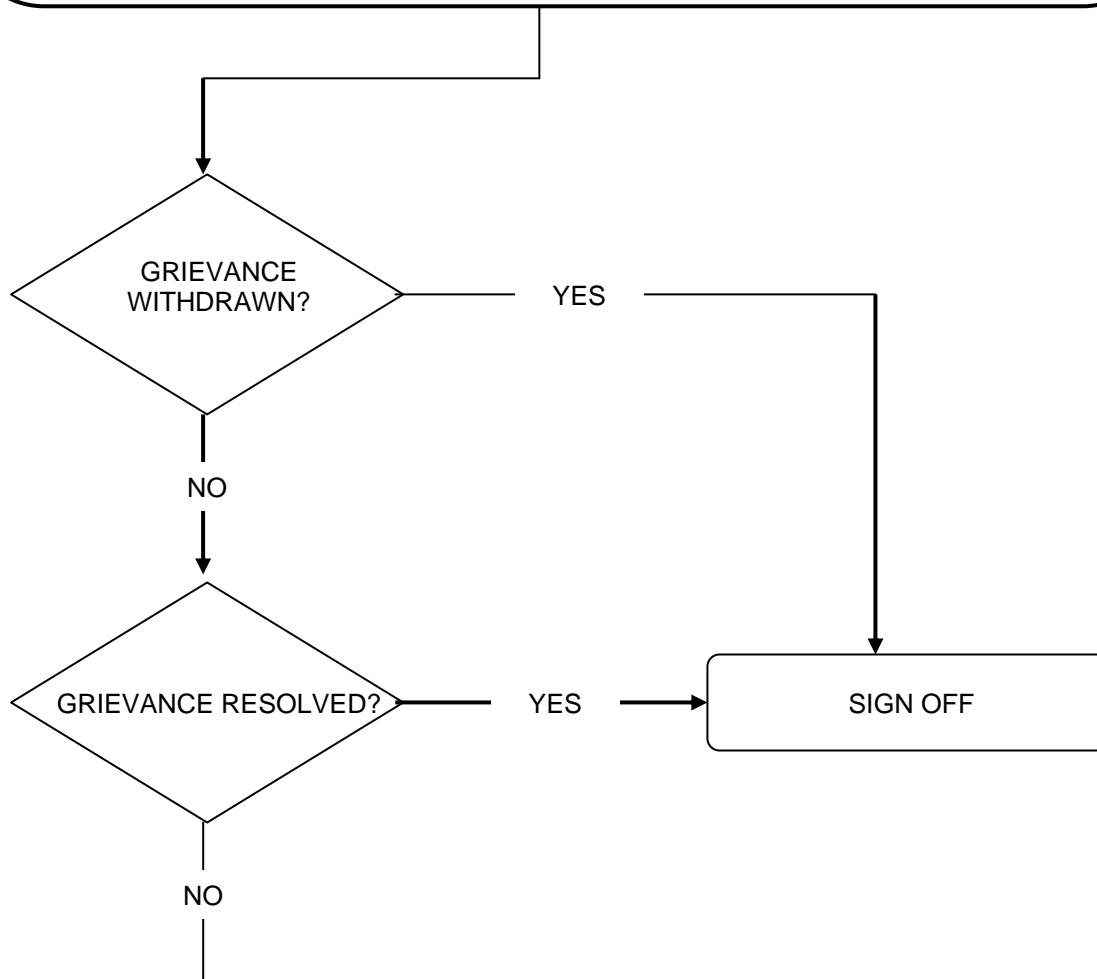
STEP 3

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- * ensure that the aggrieved party receives feedback on progress towards resolving the grievance at intervals not exceeding seven working days.



**GRIEVANCE RESOLUTION PROCESS - FORMAL STAGE
STAFF**

