



THE UNIVERSITY OF  
**NOTRE DAME**  
A U S T R A L I A

**POLICY:**  
**STAFF GRIEVANCE RESOLUTION**

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<b>Purpose:</b>	To provide an outline for the process of dealing with Staff grievances.
<b>Responsible Executive:</b>	Chief Operating Officer
<b>Responsible Office:</b>	Professional Standards and Conduct
<b>Effective Date:</b>	17 February 2017
<b>Modification History:</b>	
<b>Last edited:</b>	
<b>Date of Next Review:</b>	TBA

## **1 Purpose**

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- 1.1 This is the University of Notre Dame Australia Staff Grievance Resolution Process (Policy).
- 1.2 The University recognises that a staff member may wish to raise a complaint, problem, issue or concern (Grievance) relating to their work or the work environment.
- 1.3 The University is committed to dealing with all Grievances efficiently, without bias, in a timely and transparent manner and in accordance with the principles of natural justice.

## **2 Application and scope**

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- 2.1 This Policy applies to all staff of the University whether employed under The University of Notre Dame Australia Staff Enterprise Agreement 2015-2017 or engaged under a separate contractual agreement.
- 2.2 This Policy does not apply in relation to any matter covered by a separate review process contained in The University of Notre Dame Australia Staff Enterprise Agreement 2015-2017 or any other related University Policy.
- 2.3 This Policy does not limit the right of a staff member to seek the assistance of an external person or agency for the resolution of a Grievance. Should a Grievance be referred to an outside body, the internal processes of the University may be suspended pending the outcome of the external review.

## **3 General principles**

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- 3.1 A Grievance will be dealt with locally, speedily and confidentially.
- 3.2 All staff members must be able to seek resolution of a Grievance free from fear of discrimination and victimisation.
- 3.3 A Grievance should be raised as early as possible after the incident relating to the complaint has occurred. Unless the Vice Chancellor deems that there are exceptional circumstances, the Grievance must be made within six (6) months of the action or outcome that has resulted in Grievance.
- 3.4 Grievances should be resolved informally at the campus concerned. However, the University may determine that because of the nature of the Grievance or those involved in the Grievance, it is more appropriate for the resolution procedure to be conducted at another Campus or location.
- 3.5 A Grievance may be dismissed or discontinued at any time if found to be frivolous, vexatious or result in abuse, harassment or victimisation to any person.
- 3.6 A staff member may withdraw a Grievance at any stage.
- 3.7 Any party to a Grievance may be accompanied at any meeting or hearing by a support person. The support person:
  - may not act as advocate;
  - may not be a person who was, or may be perceived to be involved in, or associated with the Grievance; and

- must not be a legal practitioner unless permitted in writing by the University.

- 3.8 The time limits set out in this Policy are to enable a swift and efficient resolution of Grievances. They may altered, varied or changed by the University for the purpose of properly considering the Grievance and with the consent of all parties. The Vice Chancellor or Senior Staff Member may alter, vary or change the time limits on reasonable request from the parties or where he or she considers it necessary for the proper consideration of the Grievance.
- 3.9 For the purpose of the resolution processes outlined in the sections below the term **Staff Member** refers to a staff member who is attempting to resolve a Grievance under this section.

#### **4 Grievance resolution process – Step 1: Local Resolution**

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- 4.1 A Staff Member who has a Grievance should in the first instance attempt to resolve the Grievance with the person concerned.
- 4.2 If a Staff Member is unable to resolve the Grievance with the person concerned he or she must seek assistance from their local supervisor or line manager as soon as possible after the Grievance occurs.
- 4.3 If resolution is not achieved with the assistance of the local supervisor or line manager, or if the Grievance relates to the Staff Member's local supervisor or line manager the Staff Member must seek assistance from the next most Senior Staff Member in the line of management responsibility.
- 4.4 Any staff member responsible for assisting in resolving the Grievance must give due and proper consideration to any Grievance and must try to resolve the Grievance in good faith. The staff member responsible for resolving the Grievance under this Step will attempt to resolve the Grievance within 15 working days of being approached by the Staff Member.

#### **5 Grievance resolution process – Step 2 Formal Grievance**

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- 5.1 Where an attempt at a local resolution of the grievance has occurred but failed or where the circumstances make resolution at the local level impracticable, the Staff Member may lodge a Formal Grievance with the Vice Chancellor ("a Request for Resolution").
- 5.2 A Request for Resolution must be in writing and clearly identify the nature of the Grievance and provide any supporting documentation in support of the Grievance.
- 5.3 On receiving a Request for Resolution the Vice Chancellor will nominate a Senior Staff Member who will responsible for the formal resolution process.
- 5.4 The Senior Staff Member as soon as reasonably practicable after receiving the Request, will provide sufficient detail of the grievance to any Staff Member against whom the grievance has been made to enable the Staff Member/s to understand, properly consider and respond to the grievance raised.

- 5.5 The Senior Staff Member will, within 7 working days of receipt of the Request for Resolution or as otherwise agreed, arrange a conference of the parties to the Grievance (including, where requested by the Staff Member, the Staff Member's support person and the Staff Member's supervisor) to discuss the matter, provided that all parties to the grievance have been given sufficient time to prepare their response. If further time is required in order to prepare a response, parties should request an extension of time in writing to the Senior Staff Member including their reasons for the request.
- 5.6 If the Grievance cannot be resolved at the conference, the Senior Staff Member will attempt to resolve the Grievance through investigation and conciliation and may conduct separate interviews, convene conciliation meetings or request relevant information. The Senior Staff Member will attempt to resolve the Grievance within 20 working days of the Request having been received.
- 5.7 If a resolution cannot be reached, the Senior Staff Member will provide either or both parties with a proposed resolution, including reasons for the resolution, in writing. Each party must either accept or decline the resolution within 5 working days of receipt.
- 5.8 If both parties accept the resolution, the agreed course of action will be implemented immediately. If the proposed resolution is not accepted, the Senior Staff Member will notify the parties of the failure to reach a resolution and refer the Grievance to the Vice Chancellor.
- 5.9 The resolution of the Grievance may be suspended by the Senior Staff Member and referred to the Vice Chancellor if the Grievance raises an allegation of misconduct against a staff member.

## **6 Referral to the Vice Chancellor for Determination**

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- 6.1 A referral must include all documentation relating to the Grievance including an outline of the steps undertaken by the Senior Staff Member, the proposed resolution and the time frames in which these steps have been taken.
- 6.2 The Vice Chancellor will make a final determination in respect of the Grievance which may be the same or different to the determination/resolution proposal made by the Senior Staff Member.
- 6.3 The Vice Chancellor will notify the Staff Member in writing of the decision and provide details of the reasons for the decision. Any decision in favour of the Staff Member will be implemented immediately.
- 6.4 The Vice Chancellor will notify any other staff member/s in writing of the decision as considered appropriate.
- 6.5 Any determination made by the Vice Chancellor with regard to the Grievance is final save for right of the Staff Member or, any other person adversely affected by the determination, to pursue the matter outside the University through any relevant external agency or tribunal.

## **7 Confidentiality, accessibility and retention of grievance records**

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- 7.1 Records of grievances and their outcomes will be kept strictly confidential and filed in a separate file and stored with the Vice Chancellor for a period of five years or as required under legislation.