



OASES GRADUATE SCHOOL

STAFF GRIEVANCE POLICY, as at July 2013

1. Preamble

- a. OASES is committed to providing an environment that supports all staff (including volunteers), having a positive, mutually beneficial relationship with all other members of staff and the Academic Collegium, creating a culture that prevents grievances arising.
- b. OASES aims to provide a fair and just working and learning environment, by ensuring that staff have access to processes that allow for complaints and grievances to be resolved.
- c. OASES shall ensure that its grievance processes are conducted in accordance with the principles of natural justice.
- d. OASES shall provide an environment that encourages staff grievances to be resolved within OASES and to see grievances as ways of enhancing the organisation and culture of OASES.
- e. OASES recognises a staff member's right to apply to the Victorian Ombudsman or other external bodies for resolution of a grievance regarding administrative actions and decisions of OASES.
- f. This document sets out the internal procedures that apply for addressing staff complaints and grievances. These procedures are designed to ensure that within OASES there is a transparent process for ensuring staff complaints and grievances are dealt with fairly, consistently and promptly. Also included are policy and procedures for access to independent and external mediation and resolution processes.

2. Principles

- a. The staff grievance resolution process at OASES is based on the following principles:
 - i. That the procedures used to review and resolve complaints or grievances are fair and must be seen to be fair.
 - ii. Confidentiality will be respected for all parties, unless the use of information is authorised by law.
 - iii. That staff involved in resolving complaints or grievances will act fairly at all times and ensure that conclusions will be based on a fair hearing.

- iv. There will be no reprisals or any disadvantage arising as a result of a staff member making a complaint or grievance in good faith.
- v. That complaints or grievances are handled in a timely manner with achievable deadlines specified for each stage in the resolution process.
- vi. Any staff member who makes a complaint or grievance and any staff member on whom the complaint or grievance has a direct impact, is regularly informed of the progress of the matter.
- vii. Where the complainant is not satisfied with the outcome or process, the participant is entitled to seek external mediation by Mathews Family Law, with costs covered by OASES. Or where the grievance remains unresolved, participants may take the grievance to a further external agency. This process does not obviate any staff member's rights to pursue other legal remedies.

3. Types of staff grievances

- a. **Academic grievances.** These are usually complaints or appeals against academic decisions or processes. They include but are not limited to:
 - i. Academic progress decisions.
 - ii. Assessment/accounting for learning matters.
 - iii. A decision of a member of academic staff that affects an individual or group within OASES.
 - iv. Selection or admission decisions.
 - v. Content or structure of academic programs, nature of teaching, or assessment.
 - vi. Co-vising issues in relation to projects.
 - vii. Issues relating to authorship and intellectual property.

- b. **Non-Academic Grievances.** These relate to decisions and actions associated with administrative or academic services. They include but are not limited to:
 - i. Administration of policies, procedures and rules.
 - ii. A decision by an administrative staff member that affects an individual or groups within OASES.
 - iii. Access to OASES resources and facilities.

- c. **Discrimination, sexual harassment and bullying.** The OASES Harassment and Discrimination and Equal Opportunity Policies deal with staff discrimination, bullying and sexual harassment. As such, this policy does not apply to complaints or grievances relating to:
 - i. Discrimination on the grounds of gender, race or disability.
 - ii. Sexual harassment.
 - iii. Bullying.

4. Grounds for complaint or grievance

- a. Without limiting the circumstances which may give rise to a complaint or grievance, a staff member has valid grounds for making a complaint or grievance, or lodging an appeal against a decision made in relation to a complaint or grievance, where the staff member considers s/he has been adversely affected by one or more of the following:
 - i. Improper, irregular or negligent conduct by a fellow OASES staff member or an OASES participant.
 - ii. Failure by an OASES staff member to act fairly.
 - iii. A decision that has been made without sufficient consideration to facts, evidence or circumstances of specific relevance to the staff member.
 - iv. Failure by OASES to make a decision within a timely manner.
 - v. A penalty that, where applied, is or would be too harsh.

5. Handling & resolution of complaints & grievances (internal)

- a. This section outlines internal procedures that apply to the handling of academic and administrative complaints and grievances described above.

b. Informal process

- i. When a staff member has a complaint about any academic or non-academic matters of the kind listed above, we encourage him or her to first discuss the matter with the person concerned. If the staff member has concerns about raising the matter with this person, then she or he should discuss it with an Administrative Officer, the Head of School, or the Chair of Academic Council. Concerns about a decision of a particular committee should ordinarily be raised with the chair of the committee.
- ii. OASES expects that in most cases the discussion of the concern or complaint with the relevant staff member or participant will result in a prompt resolution of the matter which both parties will find acceptable.
- iii. If this informal approach to dealing with the staff member's concerns does not lead to an acceptable resolution then the staff member should pursue the more formal process for resolution of the matter as set out below.

c. Formal process – stage 1

- i. Having first attempted resolution of the complaint through the informal process, a staff member who believes that his or her complaint has not been adequately addressed is strongly advised to seek information and advice from the Head of School, if this has not already been sought.
- ii. Having taken this advice the staff member may then decide to take no further action, or lodge a formal grievance.

d. Formal process – stage 2

- i. If the staff member decides to lodge a formal grievance, they must do so in writing to the Head of School or the Chair of Academic Council, as appropriate to the particular grievance, **within 30 days of the relevant**

incident. However, if that person is the subject of the grievance or is perceived to have a conflict of interest in relation to the matter, then the Head of School must be approached.

- ii. The OASES staff member who has received the grievance will acknowledge receipt of the written grievance in writing within 5 working days from its receipt and indicate when a resolution of the matter can be expected.
- iii. The staff member will independently review the grievance and attempt to find a resolution of the problem. If the staff member has or perceives there to be a conflict of interest in their handling of the grievance the staff member will refer the matter for investigation to another staff member who is eligible and qualified to handle the matter. The complainant is to be notified of the referral of the grievance to another staff member.
- iv. If the grievance is found to be frivolous or vexatious or no grounds or evidence can be found for it, the staff member investigating the matter will not offer any resolution of the grievance.
- v. The staff member investigating the grievance must keep formal records of the actions taken and notify the complainant in writing of the outcome of the grievance process and document the reasons that resolution was or was not achieved, as the case may be.

e. Formal process – stage 3: Appeals

- i. If, after Stage 2 of the process, the staff member does not believe that the grievance has been adequately resolved, then he or she may appeal to the Board of Directors for resolution of the matter.
- ii. A staff member seeking to appeal to Board must submit a written case for appeal to the Chair of the Board within 10 working days of the date of notification of the outcome of Stage 2 of the grievance process, citing the grounds on which the appeal is based.
- iii. The Chair of the Board will acknowledge receipt of the notice of appeal within 5 working days of its lodgement.
- iv. The Chair of the Board, after considering whether there are grounds for appeal, may appoint another Board member to convene an appeals committee to hear the case, ensuring that the persons chosen have had no prior involvement in the grievance in any of the earlier stages, or in informal discussions with the complainant about the matter.
- v. The Board member appointed will ensure that the appeals committee meets within 15 days of nomination, that it investigates the case fully and that it acts fairly taking account of the rules of natural justice and equity principles.
- vi. The staff member lodging the grievance will be given the opportunity of appearing before the Board appeals committee to present his or her case, as will the person against whom the grievance is made. At such a meeting with the participant, a support person nominated by the participant may be present.
- vii. The Board appeals committee may endorse the Stage 2 findings in relation to the grievance or determine an alternative resolution. It may also initiate an internal review of procedures relating to the academic or administrative subject of the grievance.
- viii. The Chair of the Board will confirm the decision of the Board appeals committee in writing to the staff member within 5 working days of the

decision being made and will document the outcome of the considerations of the committee and the reasons for the decision and forward that advice to the Board for confirmation.

- ix. The decision of the Board is final and is not subject to further review within OASES.

6. External Mediation and Resolution

- a. If the staff member remains unsatisfied with the outcome or process of the internal grievances procedure, they may make a written request to the Head of School, within 10 days of notification of the decision of the Board, that they wish to use an external mediation and dispute resolution process provided by Mathews Family Law.
- b. The Head of School will inform the external provider within 5 days of receiving the written request. The external independent mediator will determine a meeting that includes the complainant and a support person, if desired, together with the Head of School and the mediator within 2 weeks of receiving the request from the Head of School.
- c. The mediator will provide a report with recommendations, if any, together with reasons for the decisions, within 2 weeks of the meeting, to the Head of School.
- d. The Head of School will send a summary of the report to the complainant within 1 week of receiving the Report. OASES will abide by any recommendations made by the mediator.
- e. All external mediation costs are paid by OASES. The recommendations of the mediator will be enacted within 20 working days.
- f. If the grievance is still not satisfactorily resolved the staff member may decide to take the grievance to a government agency such as the Victorian Equal Opportunity and Human Rights Commission or the Ombudsman.

7. Withdrawal of complaints or grievances

- a. A staff member may withdraw a complaint or grievance at any time during the grievance resolution process. In this case the matter will be concluded and deemed to be resolved. If the original complaint or grievance was made in writing then the withdrawal must also be in writing to the relevant staff member who is handling the matter at the time the withdrawal is being affected or, in cases before the Board, the Chair.

8. Indicative timelines for resolution of grievances

| <u>Stage/action</u> | <u>Responsible</u> | <u>Timeline</u> |
|---|---------------------------|---|
| Stage 1 Making a complaint | Complainant | Lodge complaint within 30 working days of the event which is the focus of the grievance, if informal processes have not been successful |
| Stage 2 Acknowledgement of the receipt of the grievance | Relevant staff member | Within 5 working days of receipt |

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| Notification of the resolution | Staff member | Dependent on the case but in a timely manner – no more than 10 working days after the commencement of the investigation. |
| Stage 3 Lodging an appeal with the Board | Complainant | Within 10 working days of notification of outcome of Stage 2 |
| Acknowledgement of appeal | Chair of Board | Within 5 working days |
| Hearing of the appeal | Board appeals committee | Within 15 days of acknowledgement |
| Notification of the Appeal decision | Secretary, Board | Within 5 working days |
| External Mediation Request for External resolution | Complainant | Within 10 working days of decision of Board |
| Request for Mediator to establish meeting | Head of School | Within 5 working days of request from participant |
| Meeting mediator, participant Head of School | Mediator | Within 10 working days from request from Head of School |
| Report from Mediator | Mediator | Within 10 working days from meeting |
| Summary with recommendations to complainant | Head of School | Within 5 working days of receipt of mediator's report |
| Recommendations enacted | Head of School | Within 20 working days from reception of report if accepted by complainant |

Records

All records regarding any grievance will be kept confidentially and in a secure place. These records will be made available to the complainant and will be kept for 5 years.

Publication

This policy will be available in the staff area on the OASES website www.oases.edu.au

Endorsed by OASES Community Learning Board of Directors July 2013

Next review October 2014