



# THE SYDNEY UNIVERSITY POSTGRADUATE REPRESENTATIVE ASSOCIATION (SUPRA) GRIEVANCE POLICY & PROCEDURES

## 01: APPLICATION OF POLICY & PROCEDURES

### 01.01: Where this Policy & Procedures Applies

- 01.01: 1) This Policy and Procedures (“the Policy”) applies to dealing with a complaint or concern raised by any Councillor, staff members (including any employee or contractor), volunteer, Member of the Association, affiliate, constituent or visitor of SUPRA, which relates to the conduct either by any individual named above, or by SUPRA itself, or that is connected to SUPRA.
- 01.01: 2) The Policy shall be applied to the complaints or concerns referred to in 01.01 above in a way consistent with the principles of procedural fairness and impartiality.
- 01.01: 3) The Policy is binding on all SUPRA Councillors, staff members (including employees and contractors), volunteers, members, associate members, affiliates, constituents and visitors.
- 01.01: 4) The Policy does not constitute a term or condition of any contract between SUPRA and any individual or organisation (including contracts of employment or contracts for services).
- 01.01: 5) The President, or the President’s nominee, may elect to vary the steps set out in the Policy for a particular matter if considered appropriate in all circumstances.

01.01: 6) The Policy should be read in conjunction with the SUPRA Safer Spaces Policy and the SUPRA Code of Conduct, and any other SUPRA policies or other documents deemed relevant for a particular matter by the President or the President's nominee.

01.01: 7) No clause of this Policy shall be interpreted so as to contravene the Constitution or any SUPRA policies.

### **01.02: Where the Policy Does Not Apply**

01.02: 1) In determining the appropriate course of action in relation to a grievance raised under the Policy, the President shall have regard to any related processes, including processes in the Enterprise Agreement, the SUPRA SAAO Policy, or University Policies or procedures.

01.02: 2) The Policy does not apply to matters covered by the dispute resolution provisions of the SUPRA Enterprise Agreement 2011, or any replacement Enterprise Agreement.

01.02: 3) Where a grievance raised under the Policy concerns an employee of SUPRA, and the President considers the allegation, if established, would involve misconduct or serious misconduct within the meaning of the Enterprise Agreement, the matter will be progressed under the disciplinary procedures set out in the Enterprise Agreement.

01.02: 4) Where a student who is a client of the SAAO Service has a grievance with the conduct of a Student Advice and Advocacy Officer, or is dissatisfied with that service in another capacity, the matter will be progressed under the procedure outlined in Section 13 of the SUPRA SAAO Policy.

01.02: 5) Actions taken pursuant to clauses 01.02: 3) or 01.02: 4) above may be relied upon by SUPRA as appropriate resolutions/procedures under the Policy.

## **02: GUIDING PRINCIPLES**

### **02.01: Fairness**

02.01: 1) All grievance processes shall be guided by procedural fairness, such that a person against whom a grievance is made has the right to hear the concern and respond to it, and to provide any documents relevant to the matter.

02.01: 2) Grievance processes shall be guided by impartiality, sensitivity and fairness, such that the grievance shall be managed by persons who are impartial, and free of any conflict of interest or bias in relation to any of the parties.

02.01: 3) The conduct of all parties in connection with the Policy shall be consistent with the SUPRA Code of Conduct & the Safer Spaces Policy.

### **02.02: Amicable Interactions**

02.02: 1) The preferred outcome of any grievance is amicable resolution between the parties.

02.02: 2) Parties will not be victimised by other parties to the grievance or by any Councillor, staff members (including any employee or contractor), volunteer, Member of the Association, affiliate, constituent or visitor of SUPRA, as a result of raising a grievance or being involved in a grievance process.

02.02: 3) Grievance processes shall be resolved in a timely fashion, having regard to the nature of the concern raised and all relevant circumstances.

## **03: RESPONSIBILITIES**

### **03.01: Responsible Parties**

03.01: 1) The President is the administrator of the Policy in their capacity as General Manager of the Association.

03.01: 2) The President will oversee all grievance processes and decide on the appropriate steps to take in relation to a grievance, including, but not limited to:

2.a) appointment of mediators, investigators, or Grievance Committees;

2.b) deciding to take no further steps in relation to a grievance; or

2.c) deciding to refer and deal with a grievance under another appropriate process.

03.01: 3) In the event that the President, or members of the Executive, are party to a grievance, responsibility for administering the Policy shall fall to the following, in order:

3.a) Vice-President;

- 3.b) Education Officer;
- 3.c) Secretary;
- 3.d) Treasurer; or
- 3.e) Council's nominee.

### **03.02: Responsibilities of Participants**

03.02: 1) All parties to a grievance are required to:

- 1.a) cooperate and participate in the grievance process in good faith;
- 1.b) not bring forward vexatious or frivolous grievances;
- 1.c) be honest in statements made during grievance processes;
- 1.d) maintain confidentiality in relation to the grievance;
- 1.e) not victimise any party or participant in a grievance, or cause any other party to victimise any other party or participant in a grievance; and
- 1.f) supply relevant information and documents when requested to do so.

03.02: 2) All mediators, investigators and other individuals involved in the resolution or outcome of a grievance, including members of the Council or Executive, are additionally required to:

- 2.a) Uphold the guiding principles of the Policy;
- 2.b) Declare any conflict of interest they may have in relation to a grievance, and excuse themselves from participating in relevant decisions or processes where appropriate;
- 2.c) Maintain the confidentiality of the parties to a grievance, particularly with respect to any documentation which may come into their possession in relation to the grievance;
- 2.d) Not abuse their position for personal gain or the personal gain of any associate; and

2.e) Provide the individual handling the grievance with a report of their activities in relation to the grievance, as requested or in accordance with the reporting requirements under the Policy.

### **03.03: Confidentiality**

03.03: 1) Confidentiality will be maintained by all parties involved in a grievance and by any Councillor, staff members (including any employee or contractor), volunteer, Member of the Association, affiliate, constituent or visitor of SUPRA who becomes aware of the grievance.

03.03: 2) The details of the grievance, the grievance process and all documents relating to a grievance will remain confidential, except where they are required to be disclosed as part of the investigation process, or in accordance with the policies of SUPRA or the law.

03.03: 3) In the event that disclosure in accordance with 03.01: 2) is required, or in the event that person is no longer available or no longer fills that role then the person responsible for conducting the grievance process shall keep a record in writing of the reasons for this disclosure.

## **04: GRIEVANCE HANDLING**

### **04.01: Support Persons**

04.01: 1) A party to a grievance may elect to have a support person, or where deemed appropriate two or more, present during interviews or meetings that take place as part of the grievance process.

04.01: 2) A support person is an individual, or individuals, nominated by a party to a grievance to provide assistance and support to them in connection with the resolution of the grievance.

04.01: 3) The role of a support person is not to act as an advocate, representative, or spokesperson for the party.

04.01: 4) The support person must not be someone who is involved in the grievance. SUPRA employees or contractors may invite a union representative to act as their support person.

## **04.02: Informal Resolution**

- 04.02: 1) Where possible, parties should seek to resolve concerns informally by directly approaching the person they believe is responsible for the issue (either on their own or with a support person) and telling them what the issue is and asking them to stop or to behave differently.
- 04.02: 2) As far as possible, the individual parties to a grievance should attempt to resolve the matter informally between themselves before resorting to more formal methods of resolution. Where the grievance concerns SUPRA as a whole (and is not about an individual), such informal resolution should take place between the aggrieved party and the President.
- 04.02: 3) Where possible, informal resolution should be attempted prior to reporting a grievance to the President. If a party does not feel comfortable raising the issue with the person directly in this way, the party should speak to the Vice-President about their concerns. The Vice-President will explore ways to progress the matter, including by informal mediation or investigation as outlined in the Policy.

## **04.03: Reporting Grievances**

- 04.03: 1) If an aggrieved person is unable to resolve their grievance informally, or does not feel comfortable attempting informal resolution, they should report their grievance to the President.
- 04.03: 2) Any person who receives a formal report of a grievance from someone else should report it to the President in writing as soon as practicable.
- 04.03: 3) Any person who reports a grievance must adhere to the privacy requirements of the Policy and of the SUPRA Code of Conduct.

## **04.04: Assessment of Grievance**

- 04.04: 1) Upon receiving a grievance, the President must assess the matter and determine the most appropriate way to deal with it. As part of this assessment, the President may conduct interviews with relevant parties, review documentation and conduct any other steps considered necessary.

04.04: 2) The President may decide to deal with a grievance in any manner considered appropriate, including: informal mediation between the parties; investigation; referring the matter to a different process; referring the matter to the Executive to make a determination in accordance with the process set out in the Policy; or declining to progress the matter.

04.04: 3) Once the President has completed their assessment and determined the appropriate way to deal with the grievance, the President must communicate this outcome to the aggrieved person.

#### **04.05: Informal Mediation**

04.05: 1) Informal mediation is usually only an appropriate option where the grievance is relatively minor in nature, where there is little dispute about the events in question or where the grievance can be resolved on the spot or within a short period of time after the issue arises.

04.05: 2) If the President decides that informal mediation is the appropriate way to deal with a grievance, the President must appoint an appropriate mediator to facilitate the informal mediation between the individuals involved.

04.05: 3) Informal mediation may involve, but is not limited to, clarifying a misunderstanding, obtaining an apology, facilitating a discussion or agreeing on how to avoid similar incidents in the future.

04.05: 4) The mediator should act in a manner consistent with the Policy.

04.05: 5) Following informal mediation, the mediator must make a report to the President which includes: the parties to the grievance; the nature of the grievance; the outcome of the mediation; and further action or recommendations for procedural change, if any.

04.05: 6) The President shall determine if either party needs to be contacted or if any further action needs to occur.

04.05: 7) The President shall be responsible for ensuring that any follow-up action takes place.

## 04.06: Investigation

- 04.06: 1) The President may determine that a grievance needs to be investigated. This may be necessary for more serious or contentious matters, or where informal resolution or informal mediation has been unsuccessful or not considered appropriate.
- 04.06: 2) If the President determines that a grievance needs to be investigated, the President must communicate this to the parties.
- 04.06: 3) The President can appoint any appropriately trained person who is external to the grievance to investigate the matter. For example, this may include another member of the Executive, a SUPRA employee, a Councillor or an externally appointed investigator.
- 04.06: 4) The President may prepare Terms of Reference for the investigation which should include:
- 4.a) any information or evidence that has already been collected in relation to the grievance;
  - 4.b) any steps that have already been taken in an attempt to resolve the grievance (such as informal resolution or informal mediation);
  - 4.c) any implications of the grievance for SUPRA as a whole;
  - 4.d) a description of what the investigator is required to do (e.g. make findings of fact and/or recommendations); and
  - 4.e) any other information considered relevant.
- 04.06: 5) The investigator must comply with all relevant policies, procedure and laws (including this Procedure and applicable privacy legislation), but can otherwise determine their own procedure for conducting the investigation.
- 04.06: 6) The investigator shall make a written report to the President that contains their findings, the reasons for their findings and any recommendations (if relevant).
- 04.06: 7) The President can decide to obtain professional external advice in relation to the investigation of a grievance.

#### **04.07: Handling of Findings**

04.07: 1) Upon receipt of the investigator's report, the President will provide a written statement of the findings of the investigation to the Executive for consideration.

04.07: 2) The Executive will decide whether to accept the investigator's findings, and will determine the appropriate outcome.

04.07: 3) The Executive will provide a written statement of the outcome to the parties to the grievance, as considered relevant.

04.07: 4) The President, consistent with normal reporting processes and the confidentiality provisions in the Policy, will report the outcome to Council.

#### **04.08: Resolutions & Outcomes of a Grievance Process**

04.08: 1) Outcomes of a grievance process may include, but are not limited to:

1.a) No action being taken;

1.b) The matter being referred to formal mediation;

1.c) A party, or parties, to the grievance being required to make an oral or written apology to another party or parties;

1.d) A party to the grievance being required to attend training or counselling as appropriate;

1.e) Directions to an individual to cease or change behaviour;

1.f) Referral to another resolution process, such as the Enterprise Agreement, SAAO Policies, or University policies and procedures;

1.g) Recommendations being made to the Council;

1.h) Removal from the database of members, and/or exclusion from SUPRA events or spaces;

1.i) Referral to the University for further action.

#### **04.09: Remedies & Disciplinary Action for Councillors**

04.09: 1) In the case of Councillors, outcomes recommended to Council may include, but are not limited to:

1.a) A formal warning being issued to that councillor or councillors;

1.b) Withdrawal by Council of voting rights in relation to a particular matter before Council, a committee, or subcommittee; or

04.09: 2) Removal from Council, a committee or subcommittee in accordance with the SUPRA Constitution.