

Complaint Management Procedure for Staff

Section 1 - Purpose

(1) Macquarie University aims to provide a work environment that promotes collegiality and mutual respect and where:

- a. staff feel comfortable and supported in raising workplace concerns;
- b. staff work collaboratively in a constructive way to resolve workplace issues, including by accessing self-help options where appropriate;
- c. serious complaints are appropriately escalated;
- d. staff know that they will not be penalised or disadvantaged as a result of making a complaint;
- e. complaints are managed appropriately, sensitively, confidentially (so far as is reasonably possible) and in a timely manner; and
- f. and due consideration is given to the interests of a Complainant in making a complaint and the interests of Respondents in circumstances where allegations of wrongdoing are untested.

(2) The purpose of this document is to detail the procedure that will normally apply for managing staff complaints at Macquarie University. This Procedure (Complaint Management Procedure for Staff) aims to:

- a. describe how staff complaints will typically be handled by Macquarie University;
- b. encourage staff complaints being resolved as close to the source as possible, having regard to the seriousness and nature of the complaint;
- c. provide for the timely escalation of complaints, where appropriate;
- d. detail the roles and responsibilities for those involved in handling staff complaints; and
- e. promote staff complaints being managed appropriately, sensitively, confidentially (so far as is reasonably possible) and in a timely manner.

Scope

(3) This Procedure applies to complaints made by staff and affiliates of Macquarie University. A Union may, with the express consent of the staff member, make a complaint on behalf of a staff member. These complaints must identify the staff member(s) on whose behalf the complaint is being made.

(4) This Procedure does not cover complaints that are expressly excluded, as detailed under Clause 20 of this Procedure.

(5) This Procedure is intended to supplement the complaint procedures set out in the Macquarie University [Enterprise Agreements](#).

Section 2 - Policy

(6) Nil.

Section 3 - Procedures

General Information About this Procedure

Who Can Make a Complaint Under this Procedure?

(7) This Procedure applies to complaints made by staff and affiliates. A Union may, with the express consent of the staff member, make a complaint on behalf of a staff member. These complaints must identify the staff member(s) on whose behalf the complaint is being made.

(8) The University may accept complaints made by former staff where it considers it is appropriate to do so and provided the complaint relates to their role and/or work with the University. The University may determine whether this Procedure will apply to the management of those complaints.

(9) This Procedure does not apply to complaints made by students or members of the public.

What Types of Complaints Can Be Made?

(10) A complaint can be any type of problem, concern or grievance about a person's work or employment or about issues arising within the workplace, but does not include "Excluded Complaints" (see Clause 20 of this Procedure).

(11) Complaints under this Procedure include:

- a. concerns about the conduct of another staff member or student (including interpersonal conflict);
- b. allegations of discrimination or harassment;
- c. allegations of workplace bullying; and
- d. concerns about the application of University policies or procedures with regard to the Complainant.

(12) As explained below, some complaints will be covered by and managed under different, more applicable University policies and procedures.

What is the Time Limit for Bringing a Complaint Under this Procedure?

(13) A complaint under this Procedure must be lodged within three (3) months of the Complainant becoming aware of the issue.

(14) The Chief People Officer, may accept a complaint lodged after this time if they are satisfied that special circumstances exist.

Other University Policies and Procedures that May Apply to Complaints and Complaint Handling

(15) Complaints cover diverse issues, come in different forms, and range from minor issues to very serious issues. The University has a number of different procedures to deal with different types of complaints. There are reasons why different procedures exist at Macquarie University. In some cases, laws and regulations prescribe how certain types of issues must be dealt with, for example, health and safety issues or reports of fraud or corruption.

(16) Other University policies or procedures that may be relevant to a Complainant and should be considered before making a complaint under this Procedure or applying this Procedure include:

University process, policy or procedure	What this policy or procedure generally covers
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University process, policy or procedure	What this policy or procedure generally covers
Complaints Resolution Policy for Students and Members of the Public	Complaints by students and members of the public
Reporting wrongdoing: Public Interest Disclosures Policy	Reports of fraud, corruption and other serious wrongdoing
Macquarie University Privacy Management Plan and Privacy Policy 2015	The University's management of personal and health information, including the handling of complaints regarding personal and health information
The Macquarie University Code for the Responsible Conduct of Research	Issues of research integrity and research misconduct
Enterprise Agreements	Contain provisions for dealing with: 1. disputes about the application or interpretation of the enterprise agreement; 2. managing staff misconduct; and 3. managing unsatisfactory performance
Health and Safety policies and procedures	Health and safety matters, including a report of an injury, illness or hazard

(17) Staff can refer to the Complaint Management page on the University website for guidance in relation to the University's framework for handling different types of complaints.

(18) At any point in a complaint handling process, a complaint may be re-directed by a Complaint Handler, or another appropriate person within the University, to another University process that covers that type of complaint and/or which is more appropriate or applicable. In such cases, any process that has commenced under this Procedure may cease or be suspended or some other appropriate action taken. The Complaint Handler must advise the Complainant and any other party to the complaint if re-directing the complaint to another University procedure.

(19) When a complaint contains multiple issues and/or multiple parties, the University may determine the most appropriate University process(es) for dealing with the complaint and must inform the Complainant of its decision.

Excluded Complaints

(20) This Procedure does not apply to:

- a. any matter that is covered by and/or required to be managed through another University policy, process or procedure, for example alleged research misconduct;
- b. any matter that is otherwise covered by a specific process under an enterprise agreement or other industrial instrument or a contract (for example a dispute about the application of an enterprise agreement which will be dealt with under the dispute settling clause of the enterprise agreement);
- c. steps taken or being taken against a staff member under the misconduct or performance management provisions of an enterprise agreement; and
- d. any complaint which has been re-directed to another University process or procedure.

Escalation of Complaints

(21) Staff complaints often involve interpersonal conflict or concerns about the conduct of another staff member. It is common in a workplace setting for there to be disagreement or interpersonal conflict from time to time. However, where such conflict is having a detrimental impact on a staff member, is prolonged, or becomes more serious, they may wish to follow the self-help options or seek assistance through this Procedure to try to resolve that conflict.

(22) This Procedure utilises various options for resolving complaints, including self-help, mediation and facilitated

discussions between parties. Such options for complaint resolution are widely recognised as promoting the resolution of complaints as close to the source as possible and in a timely manner. These options are also more likely to support ongoing relationships.

(23) However, where a complaint is very serious, including where there is a serious risk to the health and safety of any person, where the conduct complained of is unlawful or where there is evidence of serious prolonged or systemic issues, either the Complainant or Complaint Handler may request that the Chief People Officer accept a referral of the complaint for the purposes of conducting an investigation.

(24) The Chief People Officer must consider the request, including the information that has been provided in the complaint and any prior attempts to resolve the complaint, and decide whether or not there is a reasonable basis for the Chief People Officer to commence handling the complaint in accordance with Stage 3 of this Procedure.

Complaints Involving a Risk to Health and Safety

(25) Where a complaint involves a risk to the health and safety of any individual, the Complaint Handler must seek advice from the University Health and Safety team within Group Risk on whether the complaint should be managed under a specific Health and Safety procedure, reported in the Health and Safety Management System or whether any additional actions are required.

Allegations of Criminal Conduct or Other Unlawful Conduct

(26) Where a complaint involves alleged criminal conduct or allegations of other unlawful conduct (or conduct that may be criminal conduct or a breach of any law), the University may be required to notify the Police or other government body, such as the [NSW Independent Commission Against Corruption](#). The University may consider, having regard to the individual circumstances of the matter, whether it is appropriate to suspend the complaint procedure pending any action being taken by an external body, continue to conduct a process alongside the external process or take another form of action.

Anonymous Complaints

(27) The University will not normally take action under this Procedure in relation to anonymous complaints, but may do so at its discretion and with regard to matters such as the nature of the complaint (e.g. if the University considers it to be very serious or systemic) and whether there is sufficient information to reasonably progress the complaint.

Frivolous or Vexatious Complaints

(28) Complaints must be made in good faith and staff must be honest, cooperative and provide any requested assistance in working through this Procedure. This Procedure is not to be used for revenge, retribution or purely to cause trouble or annoyance.

(29) The University may refuse to deal with a complaint or cease to deal with a complaint in circumstances where:

- a. the University is satisfied that the complaint is trivial, frivolous, vexatious, lacking substance or not made in good faith;
- b. the conduct of the Complainant is querulous, obstructive, abusive or threatening in relation to the bringing of the complaint; and/or
- c. the Complainant is not co-operating or assisting with the procedure or is otherwise obstructing the procedure.

(30) In addition, in such circumstances, the University may commence disciplinary proceedings against the Complainant.

(31) Examples that may fall within the scope of this provision include:

- a. a complaint that is fabricated;
- b. a complaint that is trivial or petty; or
- c. a Complainant who repeatedly seeks to re-open matters that have already been addressed and/or determined.

Complaints Relating to or Arising from Management Action

(32) It is reasonable and necessary for supervisors and managers to take reasonable steps to manage staff, including in relation to performance and conduct, staff illness and injury which impacts on work and workplace change. Reasonable management action includes (but is not limited to):

- a. conducting performance reviews;
- b. ongoing meetings to discuss underperformance;
- c. counselling or disciplining a staff member for misconduct (in accordance with any applicable enterprise agreement requirements);
- d. requesting medical information in relation to a staff member's illness or injury that is impacting on their work; and
- e. requiring a staff member who is unfit to carry out the requirements of their role to remain off work.

(33) A complaint by a staff member against their supervisor or manager that relates to or arises from (or in the course of) a supervisor taking steps to manage the staff member in their employment, including in relation to performance, conduct, or illness or injury, will be referred to the Chief People Officer to assess how the complaint should be dealt with.

Options for Resolving a Complaint

(34) There are many ways that a complaint may be resolved. While the outcome sought by the Complainant may be taken into account, the University cannot guarantee any particular outcome will be achieved. Complaint outcomes often rely on parties resolving issues and concerns between themselves.

(35) Some possible outcomes of a complaint may include (but are not limited to):

- a. the parties gaining a better understanding of the views and perspectives of the other person / people involved;
- b. the parties developing agreed options for working through issues, concerns and/or problems in the future;
- c. an apology by one or more parties;
- d. a change in working arrangements (which may be temporary or ongoing);
- e. a commitment by one or more parties to change behaviour;
- f. one or more parties taking part in further training; and/or
- g. guidance or counselling.

(36) Serious cases may require that:

- a. the University conduct a more formal process under this Procedure, which may include a formal investigation; and/or
- b. the University commence a misconduct or unsatisfactory performance process.

Timeframes

(37) The University aims for a timely resolution of complaints. The time it takes for a complaint to be resolved can vary due to many factors including, the nature of the complaint, the availability of relevant information and the parties involved.

(38) This procedure sets out indicative timeframes for each step, however it is recognised that, depending on the specific circumstances, timeframes for completing an individual complaint process may vary.

(39) All persons involved in a complaint must use their best endeavours to progress the resolution of complaints in a timely manner and to complete the procedure within 3 months of the complaint being lodged.

Working Arrangements

(40) Staff are generally expected to work as normal during a complaint process. In some cases, it may be appropriate for a supervisor or other manager to temporarily vary working arrangements provided that such decision is consistent with the enterprise agreement and/or contractual obligations. Normally, a supervisor will consult with the staff member before varying working arrangements. Consultation with other staff may also be required.

Withdrawal or Discontinuance of a Complaint

(41) A Complainant may withdraw or seek to discontinue their complaint at any stage of the process. A withdrawal or request to discontinue will normally be put in writing to the Complaint Handler. In some circumstances, the University may consider it appropriate and/or necessary to take further steps in relation to a complaint even if it has been withdrawn or discontinued by the Complainant.

External Avenues

(42) A Complainant may, at any time, choose to take their complaint to an external agency or tribunal. If this occurs after the commencement of this procedure, the University will decide how to proceed, which may include continuing, suspending or ceasing the process under this procedure.

Complaint Management Procedure

(43) This section provides guidance as to the procedure that will normally be applied when managing staff complaints at the University and the roles and responsibilities of parties, Complaint Handlers and advisors. A Flowchart of a typical complaint process is included in [Appendix 1 Complaints Process Flowchart](#).

STAGE 1: Self-help - A staff member is encouraged to consider how they might be able to resolve their complaint themselves.

(44) Complaint resolution is most effective when complaints are resolved in a timely manner and as close to the source as possible. A staff member who has a complaint needs to consider if there are options for proactively taking steps, in a respectful and thoughtful manner, to resolve the complaint themselves, directly with the other person(s) involved. This may include speaking with the other person about their concerns or seeking the assistance of their manager to facilitate a meeting with the other person where such a discussion can occur.

(45) Staff can seek support in the self-help stage from:

- a. their manager;
- b. Human Resources staff; and/or
- c. Workplace Equity and Diversity.

(46) In some cases, it may not be appropriate for a staff member to use self-help options to try to resolve a complaint. Such situations include:

- a. matters involving physical and/or sexual assault or other criminal or unlawful activity;
- b. where there is a serious and imminent risk to the health and safety of the Complainant or another person;

and/or

- c. where the complaint or concern needs to be reported in accordance with another University policy or procedure, for example, a health and safety incident; research misconduct or serious wrongdoing covered by the University's [Public Interest Disclosure Policy](#).

(47) A staff member may not wish to utilise self-help options to try to resolve a complaint when the respondent to the complaint is in a position of authority in relation to the Complainant.

STAGE 2 - Assisted complaint resolution

Step 1: Report complaint to immediate supervisor

(48) If the staff member has been unable to resolve their complaint or if it is not possible or appropriate for the staff member to use self-help options under Stage 1, the staff member should report their complaint to their immediate supervisor.

(49) If the complaint is about their supervisor or in circumstances where the supervisor is unable to be the Complaint Handler, the complaint should be made or referred to the supervisor's immediate supervisor or another manager at the same level.

(50) At this step, a complaint can be made verbally or in writing. If the complaint is made verbally, a Complainant may be requested to put the complaint in writing to enable the complaint to be appropriately dealt with.

(51) A complaint should include the following information:

- a. the Complainant's name, position, department or business unit and contact details;
- b. if the complaint is about a specific person, the name of the person and their position;
- c. details of the specific issue or incident that is being complained about, including when it occurred, who was involved, and what happened (providing as much detail as possible);
- d. any action the Complainant has already taken under "Stage 1: Self-help" to seek to resolve the matter;
- e. the outcome the Complainant is seeking to resolve the complaint; and
- f. for serious complaints - any request by the Complainant for immediate referral to the Chief People Officer to conduct an investigation.

(52) Complainants are encouraged to use the form in [Appendix 2 Staff Complaint Form](#).

(53) At this step, the supervisor or manager who receives the complaint is the Complaint Handler.

(54) Note: In accordance with Clauses 32 and 33 a staff complaint against their supervisor or manager that relates to or arises from (or in the course of) a supervisor taking steps to manage the staff member in their employment, including in relation to performance, conduct, or illness or injury, will be referred to the Chief People Officer to assess how the complaint should be dealt with.

(55) Escalation of serious complaints - Where the complaint is serious, including where there is a serious risk to the health and safety of any person, where the conduct complained of is unlawful or where there is evidence of serious prolonged or systemic issues, the Complainant or the Complaint Handler may escalate to Stage 2, Step 2 or request that the Chief People Officer accept a referral of the complaint to be dealt with under Stage 3.

(56) A Complaint Handler may disclose the details of the complaint to the Respondent (if there is one), to assist with

the resolution of the complaint and/or to afford them procedural fairness.

(57) The Complaint Handler must consider whether the complaint should continue to be handled in accordance with this procedure or whether another, more applicable, University procedure applies.

(58) The focus at this stage is on adopting a flexible approach to assist with resolution of the complaint. The Complaint Handler must consider appropriate options which may include:

- a. obtaining information and/or documentation from the Complainant and/or the respondent;
- b. supporting the Complainant to speak with the respondent;
- c. meeting with the Complainant and the respondent (either together and/or separately) to discuss the issues and explore possible resolutions; and/or
- d. mediation or other form of alternative dispute resolution, (in consultation with the Human Resources Manager.

(59) While this stage does not involve conducting a formal investigation, the Complaint Handler can take steps to gather relevant information about the complaint if appropriate.

Important:

(60) If the complaint relates to conduct that may constitute fraud, corruption or other serious wrongdoing, the Complainant and the Complaint Handler must read and consider the [Public Interest Disclosure Policy](#).

(61) The Complaint Handler must also consider what steps are required to address any risk to health and safety and should seek advice from the Health and Safety team within Group Risk and/or Human Resources if required.

(62) The Complaint Handler must inform the parties when either;

- a. the complaint has been resolved and the procedure is concluded; or
- b. the complaint has not been resolved but the Complaint Handler considers that reasonable steps have been taken in Stage 2 – Step 1 and/or that no further action under Stage 2 – Step 1 is appropriate, and of further options available to the parties under this procedure.

Step 2: Complaint is referred to the next level of management

(63) If the complaint has not been resolved, it may be referred to the next level of management or another manager external to the work area appointed by the University. Referral of the complaint must occur promptly. At this step, the manager to whom the complaint is referred becomes the Complaint Handler.

(64) The Complaint Handler must act promptly and consider whether there is value in taking any further steps in Stage 2, to assist the parties in resolving the complaint.

(65) The Complaint Handler must inform the parties when either:

- a. the complaint has been resolved and the procedure is concluded; or
- b. the complaint has not been resolved but the Complaint Handler considers that reasonable steps have been taken in Stage 2 – Step 2 and/or that no further action under Stage 2 – Step 2 is appropriate and of further options available to the parties under this procedure.

(66) Indicative timeframe: Stage 2 (including both Step 1 and Step 2) will generally be concluded within six (6) weeks.

STAGE 3: Complaint is referred to the Chief People Officer

(67) This Stage is suited to more serious and/or systemic issues requiring formal investigation and/or intervention.

(68) A complaint may be referred to the Chief People Officer in the following circumstances:

- a. where the complaint is serious, including where there is a serious risk to the health and safety of any person, where the conduct complained of is unlawful or where there is evidence of serious prolonged or systemic issues;
- b. where the complaint is about the staff member's supervisor or manager and relates predominantly to or arises from (or in the course of) a supervisor taking steps to manage the staff member in their employment; and/or
- c. where the complaint has been dealt with in accordance with Stage 2 above, but remains unresolved, any party to the complaint may request that the Chief People Officer take steps to seek to resolve the complaint, in which case, the referral must occur promptly following the conclusion of Stage 2.

(69) If the complaint is about Human Resources and the Chief People Officer considers that they are unable to act impartially, or if the complaint is about the Chief People Officer, the complaint must be directed to either the Chief Operating Officer or the Deputy Vice-Chancellor (Academic).

(70) The Chief People Officer will determine how the complaint is to proceed. Any party to the complaint may specifically request that the Chief People Officer refer the complaint to an external mediator or take other steps.

Preliminary Assessment

(71) The Chief People Officer will normally conduct a preliminary assessment before deciding how the complaint will proceed. (The Chief People Officer may request that the preliminary assessment be conducted by another person within the University or external to the University, provided that any decision will be made by the Chief People Officer).

(72) The preliminary assessment must take into account relevant considerations which may include:

- a. the information and documentation collected in the complaint process;
- b. the steps taken to date in the complaint process;
- c. the views of the Complainant and Respondent (if any) as to how the complaint ought to proceed;
- d. the outcome sought by the Complainant;
- e. the level of factual dispute;
- f. the degree of seriousness of the allegations;
- g. whether there is sufficient evidence to proceed to a formal investigation and/or refer for a possible misconduct proceeding in accordance with the applicable enterprise agreement or other industrial instrument;
- h. where the complaint relates to, or arises from (or in the course of), a supervisor or manager taking steps to manage the staff member in their employment, the steps taken by the supervisor or manager; and
- i. and any evidence of a serious risk to the health and safety of any person or serious prolonged or systemic issues.

(73) Having conducted the preliminary assessment, the Chief People Officer will decide how and/or whether the complaint will proceed. The Chief People Officer will consult with the Manager, Workplace Equity and Diversity (or a nominee at the equivalent level) prior to making their decision.

(74) Options for how the complaint might proceed include (but are not limited to):

- a. deciding that no further action is to be taken and that the University complaint procedure is concluded;
- b. appointing a University staff member or an external mediator to mediate the Complaint;
- c. delegating the complaint to another person to take further steps to resolve the complaint;
- d. referring any matter to another University process or procedure; and/or
- e. appointing a University staff member or an external person to conduct an investigation.

(75) Where appropriate, more than one of the above options may be conducted in relation to a complaint.

(76) The Chief People Officer must confirm in writing to the parties when:

- a. the complaint has been resolved and the process is concluded; or
- b. the complaint has not been resolved but the Chief People Officer considers that reasonable steps have been taken in Stage 3 and/or that no further action under Stage 3 is appropriate and the complaint procedure is concluded.

(77) Even if the Complaint is not resolved to the satisfaction of one or more parties at this stage, the complaint procedure will conclude.

(78) A Complainant may choose at any time to access any available external avenues in relation to their complaint.

(79) Indicative timeframe: Stage 3 should generally be concluded within six (6) weeks from the time of referral, provided that some actions, such as an investigation, may reasonably take a longer period.

Roles and Responsibilities

(80) In addition to the procedure documented above, this section sets out the roles and responsibilities of the parties to a complaint and those involved in handling complaints or providing advice in relation to complaints and the complaint procedure.

All Staff Involved in a Complaint Process

(81) This includes the Complainant, the Respondent(s) and all other University staff otherwise involved in or aware of a complaint.

Maintain Confidentiality

(82) Staff are required to maintain confidentiality in relation to a complaint. Other than where necessary for the proper conduct of this Procedure, staff must not discuss the complaint with other staff, students or persons outside the University.

(83) If a staff member breaches the requirement of confidentiality, the University may commence disciplinary proceedings against them. In addition, staff who engage in gossip or spread rumours, may face victimisation claims or more serious legal action such as a claim of defamation.

(84) There are circumstances where it is acceptable, appropriate and/or necessary for a member of staff to discuss a complaint with another person. Staff must use professional judgment in such cases and seek advice where they are unsure. Examples of where a complaint may need to be discussed with another member of staff or other persons include:

- a. a Complainant or Respondent may discuss the complaint with a partner or family member, a professional advisor, a union representative, a medical practitioner, a chaplain and/or a counsellor, for the purposes of obtaining advice and/or support. In such cases, confidentiality is also required of the person who has been given the information.

- b. a supervisor / manager and/or the Complaint Handler may discuss the complaint with University advisors, such as Human Resources or Workplace Equity and Diversity, Health and Safety staff or their own manager, for the purposes of seeking support and/or advice in relation to the proper handling of the complaint;
- c. a Complaint Handler may need to provide details of the complaint to the respondent in order to provide procedural fairness; or
- d. in serious cases, such as allegations of assault or serious wrongdoing, including fraud and corruption and any other unlawful activity, staff must take appropriate steps to report the matter and/or seek advice from the Legal Office.

Co-operation

(85) All staff members must co-operate and give assistance requested by the University in relation to any complaint.

Support

(86) There are a number of ways that a staff member involved in a complaint may seek support or further information, including speaking with:

- a. their immediate supervisor;
- b. a Human Resources advisor or Workplace Equity and Diversity; and/or
- c. the University's Employee Assistance Program (EAP) - this is a free confidential employee assistance program available to all staff. Phone 1300 360 364 or go to www.davcorp.com.au.

Victimisation

(87) Victimisation occurs when a person subjects or threatens to subject another person to some form of detriment, because the other person has made a claim or complaint or taken part in a complaint process (e.g. as a witness). It is akin to punishing a person for having made a claim or complaint or for their role in the complaint process.

(88) A staff member must not victimise or retaliate against any person because they have made a complaint or because they are otherwise involved in a complaint process. If any person engages in victimisation or retaliation of any kind, disciplinary action may be taken against them. It may also constitute unlawful conduct.

(89) If any staff member believes that they are being victimised they should contact their supervisor, Head of Department or the Chief People Officer.

Managers / Supervisors and Complaint Handlers

(90) The following additional responsibilities apply to managers / supervisors and Complaint Handlers.

Seek Advice and Support

(91) Managing a complaint can be complex and managers, supervisors and other Complaint Handlers are encouraged to seek advice and/or support as necessary in relation to managing a complaint under this procedure. Upon receipt of a staff complaint, a supervisor should seek the assistance of Human Resources.

(92) Advice and support can be provided by one or more of the following:

- a. the Complaint Handler's supervisor or manager;
- b. Human Resources; and
- c. Workplace Equity and Diversity.

(93) University managers and supervisors can contact the Managers Assistance Program, provided through the EAP,

for additional support in working through complaint matters.

Escalation of Serious Complaints

(94) A Complaint Handler must act quickly to escalate complaints that are serious and where it is appropriate to do so. Clauses 21 to 24 and Clause 55 of this Procedure detail how, and to whom, complaints may be escalated.

(95) Staff can seek advice from Human Resources and/or the Legal Office in relation to the handling of serious complaints.

Procedural Fairness

(96) Complaint Handlers are required to act fairly and without bias. Each party to a complaint should normally be given an opportunity to present their side of the story.

(97) Procedural fairness must be applied in investigations conducted under this Procedure - this may require that:

- a. the respondent is informed of the substance of the allegations made against them, in sufficient detail to enable them to respond; and
- b. the respondent be provided with a reasonable opportunity to respond to allegations made against them.

Impartiality and No Conflict of Interest

(98) Complaint Handlers must be impartial and free from any conflict of interest. If a Complaint Handler does not consider that they can act impartially or if a real or perceived conflict of interest is identified, they must disclose this immediately to their supervisor and consideration must be given to how to reasonably and appropriately address the issue.

Communication with Participants

(99) Complaint Handlers must communicate with the Complainant and respondent about the progress of the complaint, including in relation to timeframes, any delays in the process and the outcome of the process (with due regard to any confidentiality constraints).

Give Reasons for Decisions

(100) It is good practice for decision makers, including Complaint Handlers to give reasons for their decisions, particularly where the decision has a significant impact on the Complainant and/or respondent.

(101) It is expected that written reasons would normally be provided in relation to;

- a. a decision to refer the complaint to another University process or procedure or to cease dealing with the complaint;
- b. a decision to conduct an investigation into the complaint;
- c. a decision to refer the matter to a misconduct or unsatisfactory performance process; or
- d. any other decision that has a significant impact on the Complainant and/or respondent or involves adverse findings against one or more parties.

Record Keeping

(102) Complaint Handlers must retain key documents and records of steps taken and decisions made under this Procedure in accordance with the University's [Records and Information Management Policy](#).

(103) A central confidential complaint file will be created for any complaint referred to the Chief People Officer, which

will include all key documents relating to the complaint.

Human Resources Advisors

(104) Human Resources managers and Workplace Equity and Diversity staff are available to provide advice about dealing with complaints under this procedure. Advice may be provided to the Complainant, the respondent and/or to the Complaint Handler, subject to any conflict of interest.

(105) Human Resources managers and Workplace Equity and Diversity staff will not normally carry out the role of Complaint Handler but may assist the Complaint Handler and/or the parties in the complaint process, e.g. answering questions about process, supporting a Complaint Handler to conduct a facilitated discussion between the parties.

Representatives and Support Persons

(106) At any stage of the complaint procedure, a staff member can be supported by a support person, including a union representative, but not a practicing solicitor or barrister. The support person or representative can attend any meetings with the staff member. The role of the support person or representative is to provide advice and/or assistance to the staff member in the process but they should not speak on their behalf. All staff members are expected to participate actively, cooperatively and in good faith in the resolution of the complaint.

(107) Representatives and support persons must not be obstructive in the process.

Section 4 - Guidelines

(108) Nil.

Section 5 - Definitions

(109) The following definitions apply for the purpose of this Procedure:

- a. Affiliates means persons holding honorary titles with the University and contractors working for the University.
- b. Complainant means the Staff member or Affiliate who has made the complaint under this Procedure.
- c. Complaint means a complaint made and handled under this Procedure.
- d. Complaint Handler means the University staff member or officer who is responsible for managing the complaint process in relation to a complaint made under this Procedure.
 - i. In Stage 2, Step 1 - this will usually be the supervisor who has received the complaint.
 - ii. In Stage 2, Step 2 - this will usually be the manager to whom the complaint has been referred.
 - iii. In Stage 3 - this will usually be the Chief People Officer.
- e. Chief People Officer means the person appointed by the University as the Head of Human Resources or, where applicable, the person acting in the position of the Chief People Officer or a nominee at the equivalent level.
- f. [Enterprise Agreement](#) refers to the applicable Macquarie University [Enterprise Agreement](#) (if relevant).
- g. Respondent(s) means any person or persons about whom a complaint is made.
- h. Staff means all persons employed by Macquarie University, including continuing, fixed term and casual staff members.

Status and Details

Status	Current
Effective Date	22nd February 2021
Review Date	1st April 2023
Approval Authority	Vice-President, People and Services
Approval Date	11th October 2016
Expiry Date	Not Applicable
Responsible Executive	Nicole Gower Vice-President, Professional Services
Responsible Officer	David Ward Chief People Officer
Enquiries Contact	David Ward Chief People Officer