

GRIEVANCES AT THE UNIVERSITY OF MELBOURNE

WHO CAN LODGE A GRIEVANCE?

STUDENTS

Any student may lodge a grievance about academic or administrative issues. Details of how to do this are given at the links below.

STAFF

All staff members may lodge a grievance at the University. Details of how to do this under the Staff Grievance Procedure, and how to use other specific procedures, are given at the links below.

MEMBERS OF THE PUBLIC

Members of the public who have concerns about a decision made by an officer of the University which they believe has had an adverse impact on them should write in the first instance to the Vice-Chancellor.

Students, staff and members of the public may make a whistleblower complaint under the Whistleblowers Protection Act 2001. Details of how to do this can be found at the following web site: <http://www.hr.unimelb.edu.au/advice/support/whistleblowers>

HOW TO LODGE A GRIEVANCE

STUDENTS

[*Student Grievance Procedures*](#)

STAFF

[*Staff Grievance Procedures*](#)

HOW TO HANDLE A GRIEVANCE

FROM A STUDENT

[*Grievance handling*](#)

FROM A STAFF MEMBER

[*Grievance handling*](#)

GRIEVANCE HANDLING FOR UNIVERSITY STAFF

PRINCIPLES OF HANDLING GRIEVANCES

The Victorian Ombudsman and the Australian and International Standard for complaints handling agree that the following elements are crucial to dealing effectively with a complaint or grievance:

Responsiveness

Grievances should be acknowledged immediately, and they should be dealt with as quickly as is practicable

Privacy and Confidentiality

Personal details should not be revealed except where it is necessary in order to resolve an issue (see the Whistleblower procedures for particular confidentiality requirements of the relevant legislation)

Fairness and Objectivity

Decisions should be based only on relevant evidence, and those who are affected by the grievance should have the opportunity to respond to and comment on the evidence.

NATURAL JUSTICE

The key elements above reflect the main principles of *natural justice*. Natural justice has its basis in administrative law. In law, the denial of natural justice allows a review of a decision in circumstances where the decision might affect a person's rights, interest or legitimate expectations. The principles are also referred to as *procedural fairness*.

The key features of natural justice and procedural fairness are:

The opportunity to be heard

Adequate notice to be given of hearings and meetings

Disclosure of all relevant material before making a decision

The opportunity to respond to and comment on any material and any allegations

Decisions to be made only on relevant evidence

Decisions to be made without bias

STUDENT GRIEVANCE PROCEDURES

Introduction

There are two sets of procedures for resolving general student grievances at the University. Firstly, there is the Student Grievances Policy which covers all students.

For the full procedures, go to:

<http://www.services.unimelb.edu.au/grievances/policy/grievances.html>

Secondly, there are procedures for PhD students' grievances. For these, go to:

<http://www.gradstudies.unimelb.edu.au/phd/enrolcandid/phdhbk/candidature/grievances.html>

This summary is intended for all students. The PhD procedures differ only at the stage of lodging a formal grievance. The slight difference for PhD students at the formal stage is highlighted in the text below.

Advice

If you are thinking of pursuing a grievance about anything covered by these procedures, it is a good idea to get advice first. Faculties have staff who are there to advise particular groups of students, such as First Year Co-ordinators or Postgraduate Co-ordinators. Other places to get advice are:

Student Services: <http://www.services.unimelb.edu.au/>

International Student

Services:

8344 4505

<http://www.services.unimelb.edu.au/international/>

Student Union

Advisory Service:

8344 6546

<http://www.union.unimelb.edu.au/?suas/>

Postgraduate Association

Advisory Service:

8344 8657

<http://www.umpa.unimelb.edu.au/advice/indexcounsel.html>

Centre for Indigenous

Education:

8344 7722

<http://www.services.unimelb.edu.au/cie/>

Disability Liaison Unit

8344 7968

<http://www.services.unimelb.edu.au/disability/>

Who is Covered

All students at the University of Melbourne are covered, including those at campuses other than Parkville and those at other places such as research centres, hospitals and other placements.

The procedures can be used by an individual or by a group of students.

What is Covered

Students can pursue a grievance about any action or decision by any member of staff or committee if they seriously think that they have been unfairly disadvantaged.

What is Not Covered

These procedures cannot be used to complain about:

- Discrimination
- Bullying
- Sexual harassment

There are separate procedures to deal with these matters. Links to detailed information about the procedures are at the end of this summary.

NOTE: These procedures cannot be used if you simply disagree with an assessment grade. If you are unhappy with a particular mark, contact your faculty for an explanation and possible review of your mark.

The Procedures

Informal Stage

If you have a grievance, you should first talk to the member of staff concerned. If you are unsure who made a particular decision, or it is not possible for some reason, you should talk to the Head of Department or School, the Postgraduate Co-ordinator, the Manager of the administrative section or other appropriate senior member of staff.

You should try to do this within 10 days of the action or decision you are concerned about.

You may ask to have a support person with you at any meetings to resolve the grievance at the informal stage.

Ideally, no more than 10 working days should be spent trying to resolve a grievance informally.

Formal Stage

If a grievance is not resolved informally, you may lodge a formal grievance. You must do this in writing to the Head of Department or School, or the Manager of the administrative section, giving details of the grievance and the steps taken so far to

resolve it. If that person was involved in trying to resolve the grievance informally, then the letter should be written to the next most senior staff member. A pro forma letter with suggestions for what to include can be found at the end of this summary.

If you are a PhD student and you want to lodge a formal grievance about an academic matter, you should write to the Dean of the School of Graduate Studies (SGS), through the SGS General Manager. The address is given in the pro forma letter.

The person who receives the formal letter of grievance will acknowledge it within 5 working days, and give a timeline for resolving the issue. It should normally not take more than 10 working days.

The person who receives the letter will investigate the matter and try to resolve it. This might involve a meeting with you. You may generally have a support person with you at any such meetings.

The person who investigates the complaint will then write to you giving their proposed resolution of the grievance and the reasons for it. The letter will also explain your right to appeal.

Appeals

If you do not think that your grievance has been adequately resolved, you can appeal to the Academic Board of the University.

To do this you must write to the Secretary of the Academic Board within 20 days of receiving the outcome of the formal grievance. The letter should give the grounds for the appeal, details of the grievance and the steps taken so far to resolve it. A pro forma letter with tips for what to include can be found at the end of this summary.

The Secretary of the Academic Board will acknowledge the appeal letter within 5 days.

If the President of the Academic Board agrees that there are grounds for an appeal, an Academic Board Appeal Committee will be set up within 20 days of you lodging the appeal.

You can have a support person at the meeting of the Academic Board Appeal Committee.

The secretary of the Academic Board will write to you with the outcome within 5 working days of the Appeal Committee hearing.

The Academic Board is the highest level for appeals within the University using the Student Grievances Policy and PhD procedures. Details of the appeal processes in other statutes and policies are given below.

External Appeals

You may also lodge a grievance with external bodies depending on what your grievance is about. But it is important to remember that they usually want you to have used all available steps to resolve the matter at the University itself.

Issue	External Agency	Telephone
<p>Grievances about Sexual Harassment or Illegal Discrimination</p> <p>(You should complain to one of these agencies, not to both)</p>	<p>Equal Opportunity Commission Victoria Level 3 380 Lonsdale Street Melbourne 3000</p> <p>Human Rights and Equal Opportunity Commission (federal) Director, Complaint Handling HREOC GPO Box 5218 Sydney 2001 newcomplaints@humanrights.gov.au</p>	<p>(03) 9281 7111 1800 134 142</p> <p>(02) 9284 9600 1300 656 419</p>
<p>Grievances about internal policies and procedures</p>	<p>Victorian Ombudsman Level 3 459 Collins Street Melbourne 3000 ombudvic@ombudsman.vic.gov.au</p>	<p>(03) 9613 6222 1800 806 314</p>
<p>International student grievances in relation to the ESOS Act (grievances related to issues in the ESOS Act or the National Code will be referred to the ESOS Compliance Area for investigation)</p>	<p>Department of Education, Science and Training (DEST) (ESOS Helpline)</p>	<p>(02) 6240 5069</p>

University Procedures for Specific Issues

Sexual Harassment, Discrimination and Bullying

Detailed information about procedures to deal with complaints about these issues can be found at the following sites:

Sexual Harassment <http://www.hr.unimelb.edu.au/advicesupport/dm/harassment/>
Discrimination <http://www.hr.unimelb.edu.au/advicesupport/dm/discrimination>
Bullying http://www.hr.unimelb.edu.au/_data/assets/pdf_file/26410/eo-bullying.pdf

Other Appeals

There are also specific appeals processes for various issues at the University, and some faculties have appeal processes for particular decisions such as refusal of credit for prior learning or penalties for breaching faculty IT rules. Check with your faculty office to see whether the faculty has any appeal process for the issue you are concerned about.

Admissions (www.unimelb.edu.au/execserv/statutes/s111.html)

You may appeal against a decision about admission to the University by writing firstly to the Academic Registrar. If you are dissatisfied by the response from the Academic Registrar, you may appeal to the Selection Appeals Committee of the Academic Board. You do this by writing to the Academic Secretary.

Assessment (www.unimelb.edu.au/execserv/statutes/s122.pdf)

You may appeal to the Academic Board on issues to do with assessment except when the question is simply about academic judgement. You appeal by writing to the Academic Registrar. You may have a support person with you at any hearing. See also Resolution R.12.2.11

(<http://www.unimelb.edu.au/ExecServ/Statutes/contents.html#S.1.11>)

Computing and Network Facilities Rules

(www.unimelb.edu.au/execserv/statutes/r81r7.html)

- a) If you disagree with a decision to remove or disable access to material, you may write to the Vice-Principal (Information) to resolve the matter.
- b) If you disagree with a decision to impose a penalty after an allegation of misuse of computer facilities, you may write within 7 days to the relevant Head of department or to the Vice-Principal (Information) to review the decision. The decision of the Vice-Principal (Information) is final. If the original decision was made by the Vice-Principal (Information), you may write within 7 days to the Vice-Chancellor to review the decision.

Ethics Committee Decisions

<http://www.research.unimelb.edu.au/humanethics/approve/complaint/index.html#c>

If you want to appeal against an Ethics Committee decision about your research project, or about the ethics administration process, you may write to the Vice-Principal (Research). If you are not satisfied with the outcome, you may have the matter referred to the Chair of the Human Research Ethics Committee

Exclusion for Health Reasons (www.unimelb.edu.au/execserv/statutes/s114.html)

If a faculty recommends that you are to be excluded from enrolment or re-enrolment on health grounds as described in this statute, you or your representative may make a written or oral submission to the Board of Assessors set up to investigate the recommendation. You will be told where to make the submission when you receive notice from the University.

Exclusion From Enrolment (www.unimelb.edu.au/execserv/statutes/s119.html)

If you receive notice from the Vice-Chancellor that you are not permitted to enrol as a student, you may write to the Vice-Chancellor to challenge the decision. The Vice-Chancellor must set up an Admission Review Committee. You may take a support person, including someone who is legally qualified, to the hearing. The decision of the Admission Review Committee cannot be appealed to the Academic Board.

Intellectual Property (www.unimelb.edu.au/execserv/statutes/s141.html)

- a) if you are concerned about the allocation of Royalty Entitlement Credits (RECS), you may appeal by writing to the Deputy Vice-Chancellor (Research) to resolve the matter. See also www.unimelb.edu.au/legal/IP/guidelines.html
- b) If you are dissatisfied with a decision made by the Intellectual Property Officer, you may appeal by writing to the Vice-Chancellor within 30 days requesting a review of the decision. See also: www.unimelb.edu.au/legal/IP/guidelines.html

Library (www.unimelb.edu.au/execserv/statutes/r81r6.html)

If you are dissatisfied with any penalty imposed by any member of the library staff, you have the right to be heard by the University Librarian. The University Librarian is the Vice-Principal, Information Services.

Parking (www.unimelb.edu.au/execserv/statutes/r81r9.html)

A parking permit must not be withdrawn without giving you the right to be heard. If a parking permit is withdrawn, you may appeal by writing to the University Secretary within 14 days. The appeal must be heard by an appeal committee. Their decision is final.

Undergraduate Scholarships

(www.unimelb.edu.au/scholarships/ugrad/information/terms.html)

As an undergraduate, you may appeal a decision affecting your scholarship by writing to the Manager, Undergraduate Scholarships for a review of the decision. If you are not satisfied with the outcome of the review, you may appeal to the Academic Board by writing to the Academic Secretary. If you want to appeal against a recommendation to do with academic progress in relation to your scholarship, you should also write to the Manager, Undergraduate Scholarships.

Postgraduate Scholarships

(www.unimelb.edu.au/scholarships/pgrad/benefits/index.html)

As a postgraduate, you may appeal a decision affecting your scholarship by writing to the Manager, Postgraduate Scholarships within 30 days for a review of the decision. If you are not satisfied with the outcome of the review, you may appeal to the Dean of the School of Graduate Studies. To do this, you write, within 30 days, to the Manager, Postgraduate Scholarships.

Student Discipline (www.unimelb.edu.au/execserv/statutes/s131.html)

If you disagree with a finding of General Misconduct against you, or the penalty imposed, you may appeal by writing to the University Secretary within 14 days. An Appeal Committee will hear the appeal, and you may have a support person with you at the hearing.

If you disagree with a finding of Academic Misconduct against you, or the penalty imposed, you may appeal by writing to the Academic Secretary within 14 days. An Academic Appeal Committee will hear the appeal, and you may have a support person with you at the hearing.

Unsatisfactory Progress (www.unimelb.edu.au/execserv/statutes/s115.html)

If you are enrolled for a higher degree by research and you receive a warning that your candidature is to be terminated or changed because of unsatisfactory progress, you may request a hearing by writing to the faculty within 6 weeks of receiving the notice. You may appeal the decision made by the hearing to the Academic Board by writing to the Academic Secretary.

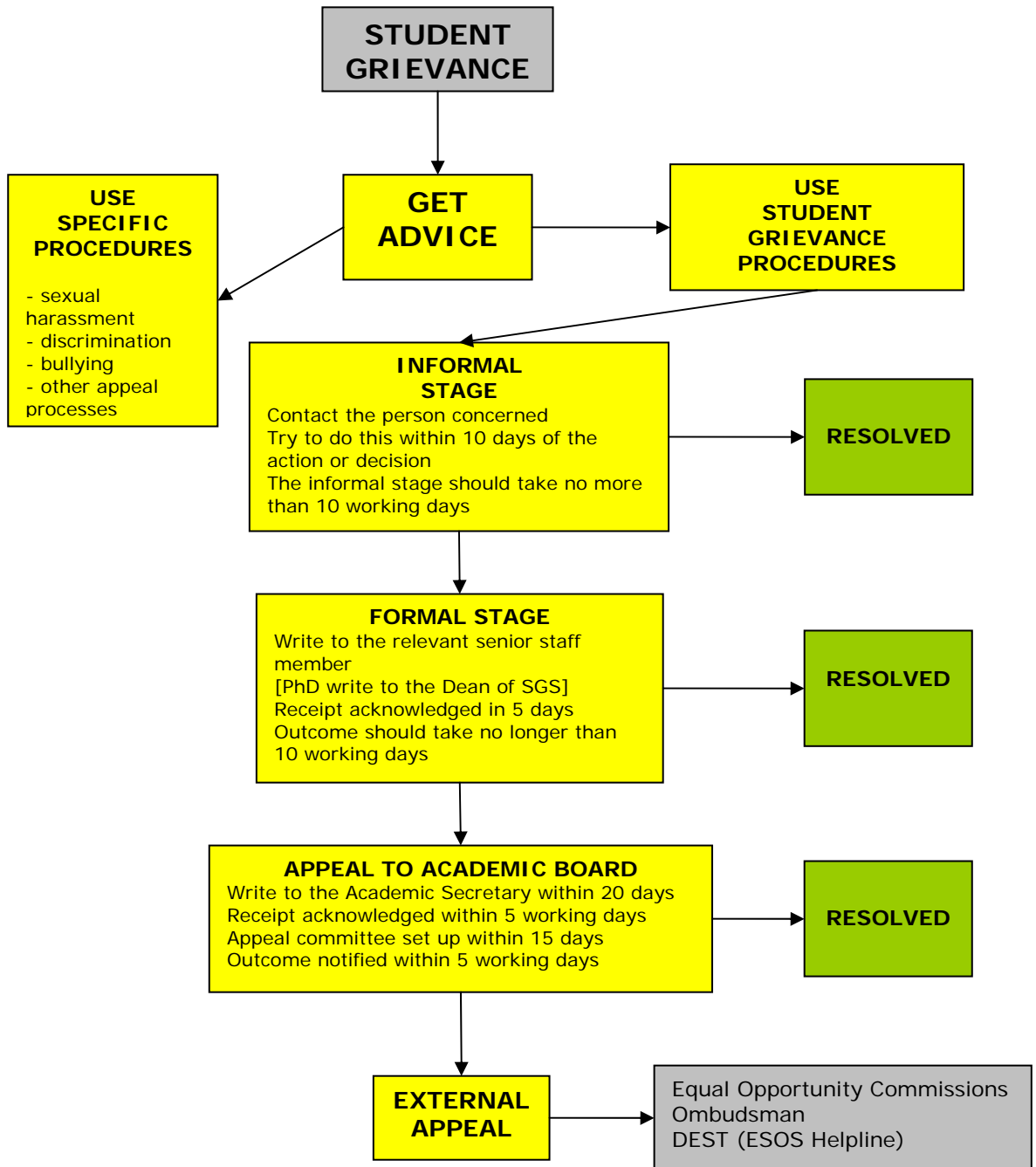
If you are an undergraduate or postgraduate coursework student, issues of unsatisfactory progress should be heard by a Faculty Progress Committee. You may appeal recommendations of the progress committee to the Academic Board by writing to the Academic Secretary.

Whistleblowers (<http://www.hr.unimelb.edu.au/advice/support/whistleblowers>)

The Whistleblowers Protection Act (Victoria) 2001 gives protection to anyone who has a serious complaint about corrupt or improper conduct by an officer or member of staff of a public body such as a university. To receive the protections of the Act, a person has to make a “protected disclosure” as defined by the Act. The University of Melbourne has detailed procedures for dealing with such disclosures.

STUDENT GRIEVANCE PROCEDURES

FLOW-CHART



PRO FORMA LETTERS

1 Letter for Formal Appeal Stage

Address to:
Head of Department
Senior Academic Staff Member
Administrative Manager
As appropriate

PhD Academic Complaint to:
The General Manager
School of Graduate Studies
The Graduate Centre
University of Melbourne
Parkville 3010

I wish to lodge a formal grievance under the Student Grievances Policy/Grievance Resolution procedures for PhD Students. My grievance is:

Outline your grievance with enough detail to make it clear to the Head of Department or Manager you are writing to. They are likely to know nothing about it. Give the facts as you see them. If it is appropriate, explain how the decision, action or behaviour you are complaining about made you feel.

I have tried to resolve the grievance informally by:

Explain what you have done so far, such as talking to the person concerned, having meetings and so on. If appropriate, attach any relevant documents such as e-mails you have sent and received in trying to resolve the grievance.

The outcome I am seeking is:

Be clear about the resolution you are trying to achieve. Try to make sure that the outcome matches the grievance and is realistic (if you think there was bias in the marking of an assignment, getting it re-marked is realistic; getting an automatic H1 isn't).

Yours sincerely

Give your personal details, including your student ID, your course and both telephone and e-mail contact.

2 Letter for Appeal to the Academic Board

The Academic Secretary
University Secretary's Department
Level 6 Raymond Priestley Building
University of Melbourne
Parkville 3010

I wish to lodge an appeal to the Academic Board under the University Student Grievances Policy/Grievance Resolution Procedures for PhD Students. The grounds for my appeal are:

Outline the grounds for your appeal. The Academic Board Appeals Committee will be particularly concerned that the principles of natural justice have been applied. The main natural justice principles are:

- The right to be heard
- Decision making without bias
- Decision making based only on evidence

My grievance concerns the following:

Give the details of your grievance. The Academic Board Appeals Committee will know nothing about it, or the history of it. Explain the grievance in detail and attach any relevant documents. If documents are attached, make sure that they are labeled and that you refer to them specifically ("Attachment A" etc) when describing your grievance.

I have tried to resolve the issue by...

Explain what you have done so far, including details of any meetings you have had in trying to resolve the issue. Attach any relevant documents, such as the letter you received giving the outcome of Stage 2: the Formal Grievance. Make sure any relevant documents are labeled. Don't try to include every piece of paper related to the grievance. Pick those which are most relevant and clearly support your argument and grounds for appeal.

The outcome I am seeking is:

Be clear about the outcome you are trying to achieve. Make sure the outcome matches the grievance and is realistic.

Yours sincerely

Give your personal details, including your student ID, your course and both telephone and e-mail contact.

Tips for Resolving Grievances Informally

Be Clear About Your Grievance

Your grievance should be about a specific action or actions, a specific decision or decisions. If your grievance is about the refusal of a scholarship, for example, or the rejection of an application for Special Consideration, this could be quite straightforward. But if you are concerned about quality of teaching or the feedback on your assignments, you should have specific examples to support your case. If possible, you should collect some written evidence to support your case.

Deal With The Issue Early

Many grievances that started out small have grown out of proportion and become far more complicated because they were not dealt with as soon as possible. If there is a concern about feedback, for example, talk to the person concerned as soon as you can. Don't wait for three or four assignments to go past before discussing it. It might be a simple misunderstanding and an early discussion about it will make everything clear. Dealing with things early is particularly important when there is a key relationship at the centre of your studies such as the relationship between a PhD student and their supervisor.

Get Advice

There are many people within the University who can give information and advice (see the list and web sites in the summary). It is a good idea to talk to someone before going ahead with a grievance, even informally. Their advice will help clarify which procedure to use for any particular issue. Knowing the right process will help to resolve it quickly. Talking to someone who is not involved in the issue can also help you to clarify just what the grievance is and how you would like it resolved. They can also help you to gather any relevant information, and in some cases will be able to go with you to any meetings you have to discuss your concern with the people involved.

Be Clear About What You Want

Just as it is important to be clear about your grievance, it is also important to be clear about what would resolve it. The resolution you are seeking should be reasonable and appropriate. For example, if you've been refused Special Consideration, trying to get an automatic pass is not appropriate, but trying to get your application accepted and considered in the assessment is. Although it is sometimes reasonable to ask for an apology, demanding a public apology is almost always too extreme. Of course, if you have a grievance, it is because you believe that you have been wronged in some way, and you want to redress the balance. But those grievances that are resolved quickly, and with least stress to everyone, are usually those where the expected outcome has been realistic and relevant to the grievance.

Take A Support Person

Many of the University's procedures include the right to have a support person with you at meetings and hearings, and it is generally accepted as good practice. You should clarify with the staff member before any meetings just what role the support person is expected to play. You are usually expected to present your own case, but the support person can be very helpful in clarifying issues and in summarising what has been agreed.

Get Things In Writing

It is hoped that most student grievances will be resolved informally. This means that there is no need for you to write a formal letter of complaint or a formal appeal to the Academic Board. Even so, it is often a good idea to avoid confusion by getting something in writing at the end of the informal process. If the issue has been resolved, for example, it is a good idea to exchange e-mails with the person concerned to confirm that you agree on the resolution.

STAFF GRIEVANCE PROCEDURES

Introduction

The staff grievance procedures are contained in the 2006 Enterprise Bargaining Agreement (EBA) Part N section 86. Go to <http://www.hr.unimelb.edu.au/enterprise-bargaining/> and click The University of Melbourne Enterprise Agreement 2006.

Who is Covered

All employees of the University, permanent, fixed-term and casual, are covered.

What is Covered

The new grievance procedures are broad in scope. Clause 86.7 says that:

“Subject to clause 86.9, an individual staff member is entitled to apply for review of the merits of any action (e.g. reclassification, misapplication of University policy), including a failure or refusal to act, that relates to his or her employment by the University.”

Clause 86.9 gives the Vice-Chancellor discretion to decide that the following should not be reviewed:

- Application for review made more than 1 year after the action complained of, with no exceptional circumstances to explain the delay
- Application is frivolous or vexatious
- Application for review already made under Section 86
- Applicant has insufficient personal interest in the review
- Applicant has access to alternative internal review procedures (see details following the summary of EBA procedures)

How to Pursue a Grievance: Summary of EBA Procedures

The procedures require that a reasonable attempt is made to resolve any matter informally before there is an application for review. A written record is to be kept of any agreed resolution reached at the informal level.

If the matter cannot be resolved informally, a formal application for review can be made by writing to the Vice-Chancellor stating:

- The reasons for the application, and
- The outcome being sought

The Vice Chancellor will decide on the method of review, including allocating the matter to a member of a “pool” of persons agreed with the Chair of the Staff Consultative Committee

You may act by way of a representative at any time in the process providing you give authority in writing.

Appeal Against Decisions Relating to Unsatisfactory Performance, Misconduct or Serious Misconduct

Part I section 65 of the 2006 EBA deals with unsatisfactory performance and misconduct, and section 66 provides a mechanism for requesting a review of any decision relating to these matters.

Redundancy: Academic Staff

Part K section 80 of the 2006 EBA covers the procedures for academic staff redundancy. Clauses 80.9 to 80.16 give details of the process and timelines to be followed if an academic member of staff wishes to appeal against a decision to terminate his or her employment.

Sexual Harassment, Discrimination and Bullying

Detailed information about procedures to deal with complaints about these issues can be found at the following sites:

Sexual Harassment <http://www.hr.unimelb.edu.au/advice/support/dm/harassment/>
Discrimination <http://www.hr.unimelb.edu.au/advice/support/dm/discrimination>
Bullying http://www.hr.unimelb.edu.au/_data/assets/pdf_file/26410/eo-bullying.pdf

Academic Promotion Appeals

Details of the various appeals processes relating to promotion at different academic levels are in section 17 of the Personnel Policy and Procedures manual accessible on the HR web site at: <http://www.unimelb.edu.au/ppp/docs/17.html>

Decisions of the Research Ethics Committee

If you want to appeal against an Ethics Committee decision about your research project, or about the ethics administration process, you may write to the Vice-Principal (Research). If you are not satisfied with the outcome, you may have the matter referred to the Chair of the Human Research Ethics Committee. Details of the process can be found at:

<http://www.research.unimelb.edu.au/humanethics/approve/complaint/index.html#c>

Appeals under the Accident Compensation Act Victoria 1985

This Act establishes the no-fault WorkCover system for receiving compensation in the event that work has been a significant contributing factor to a medical condition or injury. Initial WorkCover claims can be lodged with the University. Details of the processes can be found at: http://www.unimelb.edu.au/rmo/workcover/what_is_workcover.html

If you wish to appeal against a decision relating to a WorkCover claim, you should contact the WorkCover Conciliation Service for advice. Details of this service, including how to apply for conciliation, are at:

<http://www.workcover.vic.gov.au/vwa/home.nsf/pages/Conciliation>

Issues Related to Occupational Health and Safety

The University has an internal process for reporting incidents related to OH&S and EHS. Incidents are reported on Form S3 which is available at: <http://www.pb.unimelb.edu.au/ehs/>

Whistleblowers (<http://www.hr.unimelb.edu.au/advicesupport/whistleblowers>)

The Whistleblowers Protection Act (Victoria) 2001 gives protection to anyone who has a serious complaint about corrupt or improper conduct by an officer or member of staff of a public body such as a university. To receive the protections of the Act, a person has to make a “protected disclosure” as defined by the Act. The University of Melbourne has detailed policy and procedures for dealing with such disclosures.

External Appeals

There are several external agencies to whom staff may appeal, and details of the areas they cover and their contact information is in the table below.

These agencies usually expect that all internal procedures have been exhausted before a complaint is referred to them.

Issue	External Agency	Telephone
Grievances about Sexual Harassment or Illegal Discrimination (You should complain to one of these agencies, not to both)	Equal Opportunity Commission Victoria Level 3 380 Lonsdale Street Melbourne 3000 Human Rights and Equal Opportunity Commission (federal) Director, Complaint Handling HREOC GPO Box 5218 Sydney 2001 newcomplaints@humanrights.gov.au	(03) 9281 7111 1800 134 142 (02) 9284 9600 1300 656 419
Grievances about internal policies and procedures	Victorian Ombudsman Level 3 459 Collins Street Melbourne 3000 ombudvic@ombudsman.vic.gov.au	(03) 9613 6222 1800 806 314
Decisions in relation to WorkCover compensation	Accident Compensation Conciliation Service Level 9 460 Lonsdale Street Melbourne 3000 info@conciliation.vic.gov.au	(03) 9940 1111 1800 365 960

Tips for Resolving Grievances

Be Clear About Your Grievance

Your grievance should be about a specific action or actions, a specific decision or decisions. It is a good idea to write down your grievance to clarify in your own mind exactly what it is you are concerned about.

Get Advice

There are many people within the University who can give information and advice. It is a good idea to talk to someone before going ahead with a grievance, even informally. Their advice will help clarify which procedure to use for any particular issue. Knowing the right process will help to resolve it quickly. Talking to someone who is not involved in the issue can also help you to clarify just what the grievance is and how you would like it resolved. They can also help you to gather any relevant information, and in some cases will be able to go with you to any meetings you have to discuss your concern with the person involved.

Deal With The Issue Early

Many grievances that started out small have grown out of proportion and become far more complicated because they were not dealt with as soon as possible. If there is a concern about negative feedback, for example, talk to the person concerned as soon as you can. Don't wait for three or four instances to go past before discussing it. It might be a simple misunderstanding and an early discussion about it will make everything clear. Dealing with things early is particularly important when the general working relationship is central to the grievance.

Be Clear About What You Want

Just as it is important to be clear about your grievance, it is also important to be clear about what would resolve it. The resolution you are seeking should be reasonable and appropriate. Although it is sometimes reasonable to ask for an apology, demanding a public apology is almost always too extreme. Of course, if you have a grievance, it is because you believe that you have been wronged in some way, and you want to redress the balance. But those grievances that are resolved quickly and with least stress to everyone, are usually those where the expected outcome has been realistic and relevant to the grievance.

Take A Support Person

The staff grievance procedure allows you to act "by way of a representative" at any time in the process, provided the authority is given in writing. It is often a good idea to have a support person at meetings, but grievances, particularly minor ones, are usually most easily resolved by the aggrieved person talking about their concerns, their feelings and the outcome they are looking for.

Get Things In Writing

It is hoped that most grievances will be resolved informally. This means that there will be no need for you to write a formal letter to the Vice-Chancellor requesting a review. Even so, the staff grievance procedures require that a written record is kept of the agreed outcome, and both you and the person with whom you have raised the grievance should keep a copy of this.

WHAT DO I DO IF I RECEIVE A STUDENT GRIEVANCE?

If the student is not sure how or where to complain

- Listen and respond sensitively to any distress shown by the student. As well as helping them to deal with the issue itself, it might be appropriate to refer them to the Counselling Service:
<http://www.services.unimelb.edu.au/counsel/index.html> 8344 6927
- Refer them to the relevant [procedures](#) and encourage them to take the issue up directly with the person concerned
- Refer them to sources of specialist advice:

Student Services: <http://www.services.unimelb.edu.au/>

International Student Services: <http://www.services.unimelb.edu.au/international/>
8344 4505

Student Union Advisory Service: <http://www.union.unimelb.edu.au/?suas/>
8344 6546

Postgraduate Association Advisory Service: <http://www.umpa.unimelb.edu.au/advice/indexcounsel.html>
8344 8657

Centre for Indigenous Education: <http://www.services.unimelb.edu.au/cie/>
8344 7722

Disability Liaison Unit <http://www.services.unimelb.edu.au/disability/>
8344 7968

- Refer them to the whistleblower policy and procedures and to a Protected Disclosure Officer if the complaint is a whistleblower complaint
<http://www.hr.unimelb.edu.au/advicesupport/whistleblowers>

[The Whistleblowers Protection Act (Victoria) 2001 gives protection to anyone who has a serious complaint about corrupt or improper conduct by an officer or member of staff of a public body such as a university. To receive the protections of the Act, a person has to make a “protected disclosure” as defined by the Act. The University of Melbourne has detailed policy and procedures for dealing with such disclosures]

If the student has an issue with you

- Listen and respond sensitively to the student. It can be quite stressful for them to challenge a figure of authority, and they can sometimes be quite angry and upset at what they perceive to be some injustice. You do not have to take part in a conversation that is threatening or abusive. But often, if people are assured that they are being treated seriously and that there is a willingness and desire to resolve matters, it is more likely that the issue will be dealt with smoothly and a resolution can be found at the “informal” level.
- Familiarise yourself with the Student Grievances Policy and any other relevant statute, regulation, rules, codes of practice and policy. (See the links on the Student Grievance Procedures web pages).
- Ensure confidentiality. One of the fears students may have is that once they begin to pursue a grievance, it will be discussed inappropriately across the department or faculty. It is a good idea to reassure students that your discussions with them are confidential. Confidentiality is not the same as secrecy. It is often quite reasonable for you to want to seek advice, and it may be necessary to talk to someone else in the department in order to resolve the grievance. But whenever possible, you should seek advice without disclosing personal details.
- Try to resolve the matter as quickly as possible. The Student Grievances Policy does not in fact have any timelines for resolving grievances at the informal level. But the informal stage requires the student to raise their issue with the person concerned, so a proposed resolution should not take more than a few days. Telephone messages and other communication such as e-mail should be responded to as soon as possible, at least to acknowledge that you have received the informal expression of a grievance. It is in everyone’s interest to try to resolve matters quickly and informally wherever possible. Some minor student grievances turn into formal grievances and even appeals to the Academic Board simply because the student was frustrated at what they see as inadequate attempts to resolve things at a lower level.
- Follow the principles of natural justice. These were outlined at the beginning of this material. Allow the student to have a support person at any meetings with you. Many of the University’s procedures include a student’s right to have a support person at meetings and hearings, and it is generally accepted as good practice. You should clarify with the student before any meeting what role the support person will play. It is not appropriate to have legal representation at what is the initial informal stage of an internal administrative procedure. But it can be appropriate for the student to have sought the help of the advocacy services of their respective student association.

If the student writes a formal grievance letter to you

If you are a manager, Head of Department or other senior member of University staff with supervisory responsibilities, a student may write to you under the “formal” stage of the Student Grievances Policy. If that is the case, the student should explain what steps they have taken to try to resolve the matter “informally” with the person concerned.

If you do receive such a letter, you should:

- Respond promptly. The Student Grievances Policy has indicative timelines for responding to a letter of formal grievance, and for proposing a resolution. The letter should be acknowledged within five working days, and the acknowledgement should suggest a timeline for resolving the grievance. The policy suggests a further ten working days for resolution. If that is not possible for some reason, such as the complexity of the matter or key staff being unavailable, explain this to the student and suggest an appropriate timeline.

Investigation

The key steps in investigating a grievance are:

- Clarifying and documenting details. Take time to establish exactly what the issue is. If the student’s concern is with sexual harassment or discrimination, for example, they should be referred to one of the University’s Sexual Harassment or Anti-Discrimination Advisers. If necessary, ask the student to provide any further documentation that they think supports their grievance
- Clarifying and documenting what steps the student has already taken to try to resolve the grievance
- Clarifying exactly what outcome the student is seeking
- Meeting with the student if this is necessary or requested by the student. They should be able to have a support person with them at any meetings. The role of the support person should be clarified before any meetings
- It may be necessary to meet with the person or persons with whom the student has a grievance. The principles of natural justice apply to dealing with any respondent as they do for any complainant. They should be given the full details of any allegations and an opportunity to respond. They too should be able to have a support person with them at any meetings to discuss the student’s grievance, and the role of their support person should be clarified also

More detailed guidelines for carrying out an investigation are given below. These can be a useful template, particularly for those not familiar with investigating grievances.

Investigating a Grievance: a Six-Step Process

1. ***Assess the complaint considering:***
 - Whether the issue can be resolved through explanation or discussion (eg is it the result of a communication problem?)
 - Whether there is a more appropriate mechanism for resolving the issue (eg is it a complaint of sexual harassment or unlawful discrimination?)
 - How much time has elapsed since the alleged events occurred
 - The significance for the complainant and for the organisation (eg does the allegation suggest a systemic problem?)

2. ***Decide on the appropriate investigative approach taking into account:***
 - Any statutory requirements (eg is the allegation a whistleblower disclosure?)
 - The nature of the issue (is it to do with policy and procedures or with the conduct of an individual?)
 - Whether the investigation is evidence focused requiring comprehensive collection and analysis of all relevant evidence; or
 - Whether the investigation is outcome focused requiring only sufficient information and analysis to identify and remedy the issue

3. ***Develop an investigation plan:***
 - What questions need to be answered?
 - What information is needed to answer the questions?
 - What is the best way to get the information?

4. ***Ensure that there is the necessary authority and powers including:***
 - The authority to require people to give information
 - The resources needed to carry out the investigation

5. ***Conduct the investigation, including:***
 - Oral evidence
 - Documentary evidence
 - Expert evidence, if necessary
 - Examination of physical evidence, if necessary
 - Keeping contemporaneous notes of all discussions

6. ***Provide the decision and the reasons for it***
 - Include information about avenues of appeal

Important Issues to Remember

1. *The principles of natural justice/procedural fairness:*

- The opportunity to be heard
- Adequate notice to be given of hearings and meetings
- Disclosure of all relevant material before making a decision
- The opportunity to respond to and comment on any material and any allegations
- Decisions to be made only on relevant evidence
- Decisions to be made without bias

2. *The standard of proof required:*

- In administrative investigations allegations must be proved according to the balance of probabilities, that is, it must be more probable than not that the allegations are borne out
- The strength of evidence necessary to prove an allegation on the balance of probabilities may vary according to the seriousness of the issues involved

Outcomes

If, based on the evidence, you conclude that a grievance is not substantiated, both the student and the person complained about should be advised in writing. The student should be told about their right to appeal to the Academic Board as the final stage of the Student Grievances Policy, and about their right in general to complain to external agencies. Students should be advised that external agencies usually require that all external avenues of appeal have been exhausted. The issues dealt with by these agencies and their contact details are as follows:

Issue	External Agency	Telephone
Grievances about Sexual Harassment or Illegal Discrimination (You should complain to one of these agencies, not to both)	Equal Opportunity Commission Victoria Level 3 380 Lonsdale Street Melbourne 3000 Human Rights and Equal Opportunity Commission (federal) Director, Complaint Handling HREOC GPO Box 5218 Sydney 2001 newcomplaints@humanrights.gov.au	(03) 9281 7111 1800 134 142 (02) 9284 9600 1300 656 419
Grievances about internal policies and procedures	Victorian Ombudsman Level 3 459 Collins Street Melbourne 3000 ombudvic@ombudsman.vic.gov.au	(03) 9613 6222 1800 806 314
International student grievances in relation to the ESOS Act (grievances related to issues in the ESOS Act or the National Code will be referred to the ESOS Compliance Area for investigation)	Department of Education, Science and Training (DEST) (ESOS Helpline)	(02) 6240 5069

WHAT DO I DO IF I RECEIVE A STAFF GRIEVANCE?

If the staff member is not sure how or where to complain

- Listen and respond sensitively to any distress they show. As well as helping them to deal with the issue itself, it might be appropriate to refer them to the Counselling Service:
<http://www.services.unimelb.edu.au/counsel/index.html> or 8344 6927
- Refer them to the HR consultant for their work area; details of these can be found at :
http://www.hr.unimelb.edu.au/aboutus/client_services
- Refer them to the relevant [procedures](#) and encourage them to take the issue up directly with the person concerned
- Refer them to specialist sources of advice, if appropriate:

WorkCover <http://www.unimelb.edu.au/rmo/workcover/index.html>

Equal Opportunity <http://www.hr.unimelb.edu.au/advicesupport/dm/eopolocies>

- Refer them to the whistleblower policy and procedures and to a Protected Disclosure Officer if the complaint is a whistleblower complaint
<http://www.hr.unimelb.edu.au/advicesupport/whistleblowers>

[The Whistleblowers Protection Act (Victoria) 2001 gives protection to anyone who has a serious complaint about corrupt or improper conduct by an officer or member of staff of a public body such as a university. To receive the protections of the Act, a person has to make a “protected disclosure” as defined by the Act. The University of Melbourne has detailed policy and procedures for dealing with such disclosures]

If the staff member has an issue with you

- Listen and respond sensitively to them. It can be quite stressful for them to raise a matter with a supervisor or manager, and they can sometimes be quite angry and upset at what they perceive to be some injustice. If they are assured that they are being treated seriously and that there is a willingness and desire to resolve matters, it is more likely that the issue will be dealt with smoothly and a resolution can be found at the “informal” level.
- Take time to establish exactly what the issue is, and the outcome the person is seeking

NB if the issue is one of sexual harassment or discrimination, the person must be referred to a Sexual Harassment Adviser or an Anti-Discrimination Adviser. Details and contacts for these can be found at:

<http://www.hr.unimelb.edu.au/advicesupport/dm/sha>
<http://www.hr.unimelb.edu.au/advicesupport/dm/ada>

- Try to resolve the matter as quickly as possible. The Staff Grievance Procedure does not in fact have any precise timelines for resolving grievances at the informal level. But it does say that:
“All reasonable attempts to resolve the matter must be made as soon as practicable” (EBA 2006 clause 86.10)
- Keep notes of actions taken, meetings and agreements reached. These are important to prevent further dispute about procedure. The Staff Grievance Procedure also requires that a written record be kept of any agreed resolution of an issue at the informal stage (EBA 2006 clause 86.10)
- Follow the principles of procedural fairness. These were outlined at the beginning of this material. Allow the staff member to have a support person at any meetings with you. The Staff Grievance Procedure gives a staff member this right:
“A staff member may act by way of a representative at any time during the review process if they so choose, provided that authority is given in writing.”
(EBA 2006 clause 86.5)
- You may not have the authority to resolve all issues. For example, you may agree with a staff member’s request for reclassification but the head of the budget division may not agree to it going forward. If an issue cannot be resolved, try to get agreement at least about a process for resolving it. This can include the staff grievance procedure in the EBA but may also be an ad hoc process suited to the particular issue and agreed between you and the staff member concerned
- Advise the staff member that they have the right to raise their issue with the external agencies whose details are given in the following table. You should emphasise that these external agencies will usually expect that internal processes have been exhausted before they investigate an issue

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<p>Grievances about Sexual Harassment or Illegal Discrimination</p> <p>(You should complain to one of these agencies, not to both)</p>	<p>Equal Opportunity Commission Victoria Level 3 380 Lonsdale Street Melbourne 3000</p> <p>Human Rights and Equal Opportunity Commission (federal) Director, Complaint Handling HREOC GPO Box 5218 Sydney 2001 newcomplaints@humanrights.gov.au</p>	<p>(03) 9281 7111 1800 134 142</p> <p>(02) 9284 9600 1300 656 419</p>
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<p>Decisions in relation to WorkCover compensation</p>	<p>Accident Compensation Conciliation Service Level 9 460 Lonsdale Street Melbourne 3000 info@conciliation.vic.gov.au</p>	<p>(03) 9940 1111 1800 365 960</p>

Investigating a Grievance: a Six-Step Process

You may be required to investigate a staff grievance. The following guidelines provide a useful template for investigating grievances.

2. ***Assess the complaint considering:***
 - Whether the issue can be resolved through explanation or discussion (eg is it the result of a communication problem?)
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 - How much time has elapsed since the alleged events occurred
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