



THE WOMEN'S COLLEGE

Within the University of Sydney

GRIEVANCE MANAGEMENT POLICY, GUIDELINES AND PROCEDURES

POLICY

1. Introduction

1.1 The Women's College is committed to ensuring a professional and productive environment that is fair, inclusive, safe and comfortable for all students, staff, contractors, consultants and clients. Accordingly, any grievances and complaints are to be treated seriously, and in a timely and confidential manner.

1.2 In support of clear and open communication, The Women's College encourages each individual to take responsibility for raising any matters that are of personal concern. Matters should be raised by the individual once they have given due consideration as to whether they would prefer an informal or a formal resolution.

While at the outset, individuals are encouraged to resolve matters informally, this option of resolution will be dependent on the nature and severity of the matter.

1.3 It should be noted that all persons employed or associated with The Women's College are legally responsible for their own behaviour and that supervisors and managers can also be held accountable for the behaviour of the people they are employed to oversee.

1.4 When to use this policy

It is intended that this policy is to be used as a step-by-step guide in resolving grievances arising from breaches of different College policies. These might include a range of behaviours that are explained in the following policies:

- Alcohol Policy
- Bullying, Harassment and Discrimination Policy
- Sexual Misconduct Policy
- Social Media Policy
- Student Code of Conduct
- Student Leaders Guidelines

2. The Role of Supervisors and Managers

2.1 The Women's College requires managers and supervisors to lead by example. It is the role of the supervisors and managers to progress individual behavioural change and broader cultural change where necessary, ensuring a professional and productive workplace that is respectful of all.

2.2 In addition, supervisors and managers are required to ensure adherence to the College's policies and the range of employment legislation that covers The Women's College operations, taking all reasonable steps to prevent organisational policy breaches. Supervisors and managers also need to be mindful of their common law duty of care.

3. Role of the Grievance Contact Officer

The role of The Women's College Grievance Contact Officer is to provide general advice about the way informal and formal grievance management procedures work for all matters covered by the Women's College policy. The Grievance Contact Officers are listed each year on the College Woople and are usually staff and Senior Resident Assistants.



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4. GUIDELINES

4.1 Key Points for Grievance Management

- Interview complainant/s, respondent/s, witnesses in private
- Remain impartial at all times, treating all complaints seriously
- Listen empathically and refrain from passing judgement
- Allow the complainant to bring a support person to the interview (that person should not be a witness to the matter)
- Arrange for an interpreter if necessary
- Confirm who the witnesses might be
- In the event that a respondent has evidence that contradicts the complainant's position, ensure that the complainant is aware of this evidence
- Note taking should quote complainant/s, witness/es and respondent/s wherever possible
- Records of the interviews should be taken then checked and signed-off by the individual providing the information
- Maintain confidentiality¹ at all times and remind all those involved of their responsibilities in this area
- Be mindful of defamation and victimisation issues and remind all involved
- Keep records in a secure place during the investigation
- Ensure the complainant/s know/s from the outset that they have a legal right to take the matter to an external agency at any stage; and that the respondent/s know/s that they have a right to seek external advice

4.2 A formal written apology should be provided to a claimant in proven cases as part of a formal resolution.

4.3 It is the responsibility of The Women's College to ensure that:

- The outcome of a substantiated matter does not disadvantage the complainant/s or witness/es in the immediate future or over the longer term
- Any unsubstantiated claims do not disadvantage the respondent/s in the immediate future or over the longer term

With regard to staff, any leave taken owing to the incident may be reinstated and the College may cover the costs associated with medical/counselling services. These matters will be at the discretion of the Principal, or the Council Chair should the matter involve the Principal.

With regard to students, if a student takes leave from the College owing to the incident (residency or affiliation) a part or all of the fees may be refunded at the discretion of the Principal. Private medical/counselling services would not be met by the College as these services are available from the university as part of a student's enrolment.

GRIEVANCE RESOLUTION PROCEDURES

5. Informal Grievance Resolution Procedure

5.1 While every person employed by or associated with The Women's College has a right to a fair and safe environment, each individual has the responsibility to behave in a manner that contributes to such an environment.

¹ Sometimes the complainant(s) may disclose details to friends and therefore in these circumstances, the College cannot guarantee confidentiality.



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- 5.2 Where a minor matter of concern emerges for an individual, it is appropriate for the individual to attempt an informal resolution by addressing the issues directly with the offending party, in private.

It is also appropriate for an offended party to seek advice from their immediate supervisor, manager or The Women's College Grievance Contact Officer prior to attempting an informal resolution. However, in such cases the supervisor, manager or Grievance Contact Officer should keep a record and follow-up on the matter to ensure it has been satisfactorily resolved.

- 5.3 A third option is for the matter to be addressed informally between the two parties but in the presence of a relevant supervisor, manager or Grievance Contact Officer. In this instance the supervisor, manager or the Officer will need to record their role, the resolution agreed to by the parties and make further notes to ensure the matter was satisfactorily resolved.
- 5.4 Depending on the nature or the severity of the matter raised by an offended party a supervisor, manager or Grievance Contact Officer may suggest following the formal resolution procedure. While the decision about which procedure to follow will generally rest with the offended party, any supervisor, manager or the Grievance Contact Officer, who is informed of a significant policy breach, must take steps to ensure that no further breaches occur. This may be done via specific training and the reissuing of the relevant policy material. However, there may be times where more direct action is required.
- 5.5 Where she considers it necessary, the Principal may make requirements of a student, staff member or resident (such as relocation or removal from the College) while an investigation is taking place. Any such action by the Principal should not be interpreted as anticipating or revealing the outcome of any investigation process.

6. Formal Grievance Resolution Procedure

- 6.1 The formal resolution procedures are appropriate when:
- Informal attempts at resolution have failed
 - There is a dispute over whether the incident took place
 - More than one person has been offended
 - The behaviour in question is repeated after an informal resolution
 - The allegations are of a serious nature
 - The alleged offender is a senior officer or person with management responsibilities and a legal duty of care for others
 - A person who opted for an informal resolution has been victimised
 - The person making the complaint seeks a formal resolution.
- 6.2 The Principal must be apprised at the beginning of any Formal Grievance Resolution Procedure and kept informed of the status of the investigation. If it involves the Principal, the Chair of Council must be informed.
- 6.3 The College will appoint an Investigator as necessary.

Steps for a Formal Grievance Resolution:

Once the Grievance Officer has received a complaint in writing and a formal grievance resolution procedure has been decided, an Investigator is contacted to manage the case. In the interim, and in accordance with procedural fairness, the Principal or the Grievance Officer will meet with the respondent/s to make her/them aware of the complaint, and to give them a copy of the complaint in writing. The respondent/s are to be informed that they can bring a support person with them



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to this initial discussion, in which the formal grievance process is explained to them in detail and a copy of this policy provided. The respondent/s are to be asked to keep the matter confidential, and to be informed of the consequences of recrimination.

6.4 **Step 1**

The complainant should detail the complaint in writing. If there is more than one complainant, each complainant should detail the complaint in writing.

The Investigator interviews the complainant in private taking comprehensive notes in order to determine:

- The nature of the incident
- Whether there were any witnesses
- The impact of the complaint/s
- Whether The Women's College Grievance Management Policy covers the issue
- The desired outcome of the complainant/s

Note: if there is more than one complainant, each complainant must be interviewed separately.

The Investigator will go through the written document with each complainant thoroughly, checking all details and taking notes to confirm and clarify their understanding of what has been documented.

The Investigator requests that the complainant/s:

- Refrain from discussing the matter with other people including students and staff members
- Report any further incidents or related victimisation.

The Investigator must stress the importance of confidentiality for all parties, inform the complainant/s of the process that will unfold, and provide an approximate timeframe for the completion of the investigation.

(Note: Investigations aim to be completed within 10 - 12 working days of Step 1. If more than two people are involved in the complaint, more time may be required for investigation. Owing to the investigation being an external process, the College cannot guarantee time frames for resolution.)

Following the interview, the Investigator provides a record of the interview for each complainant. Each record must be checked and signed-off by the individual providing the information.

Step 2

Where feasible, within 2-3 working days of Step 1, the Investigator interviews the respondent/s and conveys the complainant's allegations fully and verbally.

If there is more than one respondent, each respondent must be interviewed separately.

The respondent/s is informed of their rights and responsibilities and provided with the opportunity to fully respond. This includes the opportunity to provide a written response. The Investigator takes accurate notes.

The Investigator tells the respondent/s that they should not discuss the matter with the complainant/s at this stage and that they should avoid any form of retaliation.

The Investigator must stress the importance of confidentiality for all parties, inform the respondent/s of the process that will unfold, and provide an approximate timeframe for the completion of the investigation.



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Following the interview, the Investigator provides a transcript of the interview for each respondent. Each transcript must be checked and signed-off by the individual providing the information.

Step 3

The Investigator interviews any witness/es and gathers relevant information as appropriate, taking accurate notes and again stressing the importance of confidentiality for all parties.

The Investigator ensures the witness/es understand their right to be protected and that they should report any inappropriate behaviour, including victimisation, that takes place as a result of their role as witness/es. The Investigator reminds witness/es of the importance of confidentiality and the issues associated with defamation.

Step 4

In the event that a respondent or a witness has evidence that contradicts the complainant's position, the Investigator will return to the complainant/s with this evidence.

Step 5

The Investigator assesses the information acquired. S/he may request external assistance. The Principal must be informed of such a request, or the Chair if the matter directly involves the Principal.

Step 6

Within approximately 10 working days of Step 2, the Investigator makes a finding as to whether the complaint has substance. In the event that more than two people are involved in the complaint or there are numerous witnesses, this process may take additional time. When the process is completed, the Investigator informs the Principal of that finding, or the Chair if the matter directly involves the Principal.

In the event that the claim is substantiated, the Investigator may recommend to the Principal (or Chair as above) the nature of any disciplinary action that could be taken and/or what steps the respondent/s need to take to resolve the matter.

In the event that the claim is unsubstantiated, the Investigator may recommend to the Principal (or Chair as above) what actions might be taken. These could include redressing loss or damage to the respondent.

The Investigator may recommend to the Principal (or the Chair as above) what further action might be required to reinforce any relevant policy and how any related fallout may impact on College morale.

Step 7

The Principal (or the Chair as above) sees the complainant/s and the respondent/s individually and informs them of the finding and what will be happening from that point, including disciplinary processes, when appropriate. The Principal or Chair will also inform both parties of the findings in writing at the conclusion of the process.

Step 8

Irrespective of the outcome, the Investigator completes a report documenting the allegation, the investigation process, the evidence, and the findings. The report, together with any additional notes and information regarding disciplinary action or general follow-up action, is stored confidentially in the College Archives and held for at least seven years.² The Principal/Chair

² For further information on the lodging of documentation see the College Complaints Procedure.



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keeps the report confidential and it is at their discretion whether, and to whom, the report is disclosed. If appropriate, access to part of the report e.g. the Executive Summary, may be provided.

Step 9

In proven instances, the Principal ensures that a summary of the matter and the relevant disciplinary action and follow-up procedure, is to be placed on the file of the respondent/s, unless a contractor. The complainant/s is not to be identified in the summary. No documentation is to be placed on the file of the complainant/s³.

Step 10

The Principal, or her delegate, monitors College activities over the next month to ensure that things have returned to normal and no further issues or retaliation of any kind have resulted.

The Principal considers whether it is necessary to update policies and/or conduct further training within the College community.

Note: A matter that proceeds to formal resolution cannot be dismissed on the basis of there being no witnesses. Where there are no witnesses, and there is a dispute over the facts, all efforts should be made to collect further evidence, and, where possible, a finding should be made on the balance of probabilities by the Investigator.

6.5 Disciplinary Action

As part of a formal resolution, a range of disciplinary actions can be taken depending on the nature of the proven matter and whether or not there have been previous issues or warnings. Disciplinary action can include termination of residency or affiliate status, enrolment and/or employment and the requirement to repay monies owing to the College.

Examples of disciplinary action include but are not limited to:

- Verbal counselling accompanied by a file note
- A formal written warning placed on file
- A final written warning placed on file
- Demotion, transfer or suspension
- Expulsion or termination of residency or affiliation
- Termination of contract
- Termination of permanent employment
- Payment of monies owing
- Other actions as the Principal sees fit.

6.6 Principles of Natural Justice

The Women's College has the responsibility to ensure the respondent/s are treated in accordance with the principles of natural justice i.e. a minimum standard of procedural fairness is required. This requires that respondent/s are:

- Fully informed of the allegations against them
- Given an opportunity to respond in detail providing an explanation or defence. This may include witness input.

³ For further information on the lodging of documentation see the College Complaints Procedure



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In addition, the relevant Women's College officer or external representative running the process must ensure a proper investigation of all the allegations that allows all parties, with information, to contribute. Respondent/s need to be made aware that they have a right to seek independent advice. The decision maker must act fairly and without prejudice.

6.7 Very Serious Matters

Where very serious matters arise it may be appropriate, from the outset, to utilise the services of an external specialist or for The Women's College Council Executive to oversee the resolution procedure and finalise the disciplinary action to be taken. This committee is comprised of the Council Chair, the Deputy Chair and the Treasurer who may refer to Council members, the Principal or external specialists.

Additionally, the University of Sydney may be informed, become involved, or be invited to be involved as per any agreements between the College and the University.

7. Criminal Offences

When an alleged or proven incident is also a criminal offence, it is the choice of the individual as to whether or not to report the incident to the police. The Women's College will support any person wishing to report a matter to the police. Irrespective of whether or not the matter is reported, The Women's College will support the individuals concerned, but may elect not to run an investigation into a criminal act to avoid unintentionally marring or hampering a potential police investigation.

In rare cases the College may have a legal obligation to report an alleged crime regardless of circumstances.

8. Defamation

The law against defamation and the investigation procedures established in The Women's College Grievance Management Policy should act as a deterrent to the making of false or vexatious complaints. If, however, a complaint is found to have been made with deliberate and inappropriate intent, disciplinary action will be taken. A person against whom a false complaint is made may have grounds for defamation action.

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Dr Tiffany Donnelly
Principal



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APPENDIX A: DEFINITIONS

College: The term 'College' refers to The Women's College and any of its controlled entities

Complainant: The term 'Complainant' refers to the person making a complaint

Grievance Contact Officer: The term 'Grievance Contact Officer': means a person appointed by the Principal to act in the terms of this policy and who may or may not reside in The Women's College.

Principal: The term 'Principal' means the Principal appointed pursuant to the Women's College Act 1902 (NSW) or her duly appointed delegate.

Respondent: The term 'Respondent' refers to the person against whom a complaint is made

Staff: All College staff who are contracted and receive payment for work, including casual and intern appointments.

Student: The term 'student' includes all undergraduate and post graduate students, resident and affiliate, whether they are currently enrolled or temporarily deferred from their current status i.e. the College maintains an active fee account for them. It does not include alumnae or persons who are not currently admitted as students i.e. signed Agreement in place.