

Resolution of Complaints of Workplace Harassment, Bullying and Discrimination Procedures

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Advisor	Director Human Resources Bill.Ryan@griffith.edu.au (07) 373 57508
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Description	These procedures are designed to facilitate the fair and prompt resolution of complaints against staff of harassment, bullying or discrimination.

Related documents

[Code of Conduct](#)
[Equal Opportunity Policy](#)
[Griffith University Academic Staff Agreement](#)
[Griffith University General Staff Agreement](#)
[Guide to dealing with Workplace Harassment, Bullying and Discrimination \(Griffith users only\)](#)
[Health and Safety Policy](#)
[Public Interest Disclosure Policy](#)
[Student Misconduct Policy](#)
[Student Misconduct Procedures](#)
[Workplace Harassment, Bullying and Discrimination Policy](#)
[Workplace Harassment, Bullying and Discrimination Website \(Griffith users only\)](#)

External Links:

[Anti-Discrimination Commission Qld](#)
[Australian Human Rights Commission](#)
[Fair Work Commission](#)
[Safe Work Australia](#)
[Queensland Ombudsman](#)
[Workplace Health and Safety Queensland](#)

[\[Introduction\]](#) [\[Scope\]](#) [\[Application\]](#) [\[Delegations\]](#)

1. INTRODUCTION

All supervisors and managers will respond to reports of harassment, bullying and discrimination promptly and with an emphasis on efficient resolution to minimise prolonged stress to individuals, and time and cost to the University. In resolving complaints the focus is on having the behaviours cease, and on education, rather than on blaming or penalising alleged perpetrators.

The University has [Contact Officers](#) to support staff and students when harassment, bullying and discrimination may have occurred. At any stage of the process, advice about options is available to all staff and students from Contact Officers and they may be the first point of

contact. Contact Officers provide information about the University's harassment, bullying and discrimination and grievance resolution policies and procedures and promote a discrimination free workplace.

2. SCOPE

These procedures apply to complaints by a staff member or student about harassment, bullying or discrimination conducted by a staff member.

Complaints by a student or staff member about harassment, bullying or discrimination conducted by a student are subject to the [Student Misconduct Policy](#) and [Procedures](#).

3. APPLICATION

University staff have an obligation at the workplace to ensure that harassment, bullying and discrimination are prevented and where it does occur is managed appropriately.

3.1 Steps to Resolve Complaint

Resolution of a complaint normally commences at Step One (see below) and progresses in the order shown. However, the nature of a matter may require a varied approach. For example, where the Relevant Senior Officer (RSO see section 4 Delegations for definition) believes the matter could be resolved at an earlier step, they may refer it back to the Head of Element, provided the complainant has no reasonable objection.

3.2 Time limits

Time limits are suggested as a guide at each step to emphasise the need for timely resolution of issues. If the timeframes cannot be met, this will be conveyed to the parties concerned.

3.3 Staff and Student Counselling Services

The University has confidential counselling services available to staff and students.

The Counselling Service is an internal short term, professional counselling and referral service available to both staff and students. Information can be found at the [Counselling Service](#) site.

For staff, the [Employee Assistance Program](#) is available on a complimentary basis and provides short term, professional counselling and referral services by an external provider. [Manager Support](#) is a telephone helpline available to managers and supervisors who seek advice and guidance to effectively handle difficult work situations and challenging people issues.

3.4 Management responsibilities

All staff, including those with supervisory and/or management roles, have a responsibility to prevent and respond to behaviour that may constitute harassment, bullying or discrimination. Resources to proactively assist with such behaviours are available on the Human Resources (HR) website and managers should consult their [Group HR Business Partners](#) for assistance.

3.5 Misconduct/Serious Misconduct

Where the Director, HR forms the view that the behaviour may constitute misconduct or serious misconduct under the provisions of University Agreements or policies, dealing of the matter will end under these procedures and the matter will be managed as misconduct or serious misconduct accordingly.

3.6 Resolution Process

Step One – Resolution through own actions/conciliation

Complainants are encouraged to seek advice in the first instance. (See Note 1)

1.1. Where a staff member or student has any complaint regarding a staff member's behaviour, they should, where appropriate, raise the matter either verbally or in writing with the person who has undertaken the behaviour causing the complaint. This should be done as soon as possible after the behaviour has occurred.

1.2 If the staff member or student feels that the nature of the relationship with a person that they allege has harassed, bullied or discriminated against them precludes them from raising the matter directly with them, the staff member or student may raise the matter with the senior manager in their area or the **Relevant Senior Officer** in accordance with Step Two. (RSO) (See Note 2)

1.3 The respondent shall attempt to address the issue and respond to the complainant preferably no later than 10 working days from when the matter was first raised.

1.4 Where the complainant and the respondent agree, they may request the assistance of an independent third party facilitator or mediator to assist in resolving the matter. (See Note 3).

1.5 Where two or more persons believe they have a common problem this may, at their request, be dealt with as a single complaint.

Note 1: Advice and support is available from [Contact Officers](#), [Group HR Business Partners](#) and where the complaint relates to behaviours directed towards students, the [Manager](#), Student Equity Services.

The complainant may be accompanied by a support person (such as a friend or colleague) to raise the complaint.

Note 2: A student who has a complaint with a staff member should raise the matter with that staff member's supervisor if they cannot approach the staff member directly. In most instances this will be the Head of School (or see the Delegations section of this Procedure for definition of RSO).

The RSO should only be approached if there is a real or perceived conflict of interest in approaching the senior manager.

Note 3: Mediation will normally occur where both parties are willing participants. If either party is not willing then the matter may proceed to the next step. A list of appropriate mediators can be provided by your [Group HR Business Partners](#).

Step Two – Resolution through Senior Managers

2.1 If the matter remains unresolved, or if the respondent has not responded within the recommended timeframe, the complainant may approach:

- The Head of School (for students and academic and School based general staff).
- Their own relevant manager (for all other general staff)

If the complainant feels unable to raise the matter with their Head of School or relevant manager, the matter may be raised with a member of the School executive team or a member of the Element executive team.

2.2 The relevant senior manager approached will attempt to resolve the complaint with the parties concerned. If it is determined that there

Note 4: Support for this is available from [Group HR Business Partners](#).

If the relevant senior manager attempting to resolve the complaint assesses that resolution can only be achieved through an investigation, they should discuss the matter with HR and consider seeking a University initiated investigation (as per step 3.9).

<p>are insufficient grounds, the complaint may be rejected at this stage. (See Note 4)</p> <p>2.3 If the complaint is with the Head of School or Element, the complaint will go to the RSO in accordance with Clause 4 (Delegations).</p> <p>2.4 Attempts to resolve the matter should occur within an agreed timeframe with the parties concerned.</p> <p>2.5 The parties concerned will be informed of any outcomes that may result from complaint resolution processes.</p> <p>2.6 If the relevant senior manager, the complainant and the respondent agree, an independent third party facilitator or a specifically trained University mediator may be requested to assist the process of resolution. (See Note 1 and 2)</p>	
Step Three – Resolution through formal investigation	
<p>3.1 In the event that Steps 1 and 2 fail to resolve the matter to the satisfaction of the complainant, the matter may be referred to a formal investigation. At this stage, the matter should be lodged in writing with the RSO. Upon notice of complaint the RSO will contact the complainant to determine whether s/he wishes to attempt resolution of the matter by mediation (<i>if not already previously attempted – see Note 2</i>).</p> <p><u>Mediation</u></p> <p>3.2 If the parties agree to mediation the RSO will engage one of the University’s trained mediators or an external mediator. The mediation should preferably be commenced within 10 working days unless otherwise negotiated with the parties concerned.</p> <p>3.3 The mediator will provide the parties and the RSO with a written summary of any agreements entered into at the conclusion of the process, regardless of the outcomes. (See Note 5)</p> <p>3.4 If a mediation process fails to resolve the matter satisfactorily, or is deemed inappropriate in the circumstances, the complainant may still request the matter be formally investigated. (See Note 6)</p> <p><u>Investigation</u></p> <p>3.5 If a formal investigation is requested, the</p>	<p>Note 5: Any documentation related to a complaint resolution process will be stored in a confidential file in Human Resources.</p> <p>Note 6: The RSO has the discretion to determine whether the matter will proceed to formal investigation, based on the preliminary consideration of the grounds and context of the complaint.</p> <p>Note 7: In carrying out the investigation, the investigator/s shall have access to all relevant information, records and persons, other than material that would not be revealed in accordance with the Information Privacy Act 2009 and Right to Information (RTI) Act 2009.</p> <p><i>In circumstances where access to this data is essential in properly considering</i></p>

<p>RSO may appoint one or more investigators to undertake the investigation. (See Note 7)</p> <p>In some instances an external investigator may be appointed by the University, particularly where specific expertise is required, for example in relation to specific aspects of anti-discrimination legislation.</p> <p>3.6 The investigation should be concluded with a report provided to the RSO as soon as possible after commencing the investigation process.</p> <p>3.7 The RSO is responsible for making a decision taking into account the recommendations in the report as to what should occur, if anything, in order to finally address the matter.</p> <p>3.8 Both the complainant and respondent shall be informed, in writing, of outcomes of any investigation.</p> <p><u>University Initiated Investigation</u></p> <p>3.9 The University may initiate an investigation if it has reason to believe that harassing, bullying or discriminatory behaviour is taking place. The investigation may be initiated by the Director, HR during any step of this procedure and prior to a formal complaint being lodged.</p>	<p><i>the matters under investigation, the University's RTI Officer may make this material available.</i></p> <p><i>The investigator/s will conduct a thorough, fair and objective investigation and prepare a report based on the findings of the investigation to assist the RSO make a determination on the matter. This formal investigation process is characterised by a detailed examination of the information available including that recorded at previous levels. An assessment will be made regarding the reliability and validity of the information gathered and findings made based on the balance of probabilities, e.g. corroboration and consistency of the data.</i></p> <p><i>The investigation is not a disciplinary process. In conducting an investigation, the Investigator/s should focus on whether the complaint is substantiated. However where it is considered that the allegations may constitute misconduct/serious misconduct under the University's policies, disciplinary procedures may be commenced. This may occur at any stage of the investigatory process.</i></p> <p><i>Outcomes from an investigation may include (however are not limited to):</i></p> <ul style="list-style-type: none"> ▪ <i>Finding the complaint was not substantiated or only substantiated in part;</i> ▪ <i>Steps taken to resolve the complaint and put the complainant back in the position they were in prior to the incident/s that lead to the complaint;</i> ▪ <i>Mediation or facilitation;</i> ▪ <i>Training;</i> ▪ <i>Referral to support services;</i> ▪ <i>Further monitoring of the situation;</i> ▪ <i>Apology or statement of regret;</i> ▪ <i>Requirement to change processes or procedures;</i> ▪ <i>Recommendation that disciplinary action be taken.</i>
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Step 4 – External Agency

4.1 Where the complainant remains dissatisfied with the outcome of an investigative process for harassment, bullying or discrimination the complainant may lodge a complaint with the [ADCQ](#), [AHRC](#), [FWC](#), [QO](#) or [WHSQ](#) (see policy for Agency names in full).

4. DELEGATIONS

The Relevant Senior Officer (RSO) is the relevant:

- Dean (Academic) for academic groups.
- Head of Element (normally the Office Director) for administrative areas.

If the complaint relates to the Dean (Academic) or Head of Element, the RSO will be the relevant Pro Vice Chancellor or Deputy Vice Chancellor.

The RSO is responsible for:

- determining whether a complaint is substantiated or otherwise, and whether a matter proceeds or not; and
- making a decision.

The RSO may at any time refer the complaint to the Director, HR for resolution.

The investigator/s is responsible for carrying out a full and thorough investigation into a matter and preparing a report for the RSO on the matter.