

UMSU Complaints Policy

Effective date	January 2025
Review Date	January 2028
Policy Owner	CEO

1. Purpose

- 1.1 UMSU is committed to providing a safe and healthy environment for work and student experiences that are free from unacceptable conduct, and where staff, student representatives, volunteer program directors, volunteers and other members of the community are treated with dignity, courtesy and respect.
- 1.2 This policy is intended to ensure that UMSU handles complaints and disputes fairly, confidentially, impartially, and promptly.
- 1.3 Nothing in this policy precludes the CEO from taking any relevant action in their sole discretion to ensure UMSU meets its obligations at law and complies with the University SSAF Funding Agreement in force at the relevant time.

2. Scope

- 2.1 This policy applies to all staff, elected student representatives, and volunteers engaged by UMSU.
- 2.2 The complaints policy addresses the options for complaint management and dispute resolution of complaints concerning the following UMSU policies:
 - 2.2.1 UMSU [Prevention of Sexual Misconduct Policy](#).
 - 2.2.2 UMSU [Child Safety Policy](#).
 - 2.2.3 UMSU [Workplace Conduct Policy](#).and sets out the principles which govern these processes.
- 2.3 The following complaint resolution procedures may apply:
 - 2.3.1 [Resolution of Complaint Procedures](#).
 - 2.3.2 [Resolution of Complaint Procedures – Investigation](#).
- 2.4 This policy does not cover complaints in respect of the following:
 - 2.4.1 Alleged breaches of the [Students' Council Charter](#) – which are dealt with subject to the [UMSU Constitution](#).
 - 2.4.2 Grievances or Disputes regarding the UMSU Constitution which are dealt with in accordance with the Constitution.
 - 2.4.3 Alleged breaches of the [Publications Regulations](#) which are dealt with subject to the [Student Media Policy](#).
 - 2.4.4 Grievances or Disputes which fall within the scope of the UMSU Enterprise Agreement in force at the time.

- 2.4.5 Grievances or Disputes regarding the UMSU [Flexible Work Policy](#).
- 2.4.6 Grievances made to UMSU by students at the University of Melbourne in relation to clubs affiliated to UMSU which are dealt with in accordance with the UMSU [Clubs & Societies Regulations](#).

3. Policy Statement

- 3.1 UMSU aims to administer an effective complaint handling framework modelled on the principles of fairness, accessibility, responsiveness, efficiency, and integration into organisational culture.
- 3.2 UMSU is dedicated to a person-centred dispute and complaints resolution process for all internal matters which may arise in respect to UMSU's policies and procedures, the [UMSU Constitution](#) and its Regulations and the staff Enterprise Agreement.
- 3.3 Complainants should not need to know the relevant policy or process before they can complain, accordingly complaints will be accepted, assessed and triaged to ensure complaints are routed to the most appropriate process.
- 3.4 UMSU will establish and maintain a network of peer [Contact Officers](#) trained to respond to disclosures.
- 3.5 People making complaints will be:
 - 3.5.1 provided with information about UMSU's complaint handling process and how to access it,
 - 3.5.2 offered support throughout the process,
 - 3.5.3 listened to, treated with respect by staff and actively involved in the complaint process where possible and appropriate,
 - 3.5.4 regularly advised on the status of the complaint and any new information relevant to them, and
 - 3.5.5 provided with reasons for our decision/s and any options for redress or review.
- 3.6 We will take all reasonable steps to ensure that people making complaints are not adversely affected because a complaint has been made by them or on their behalf.

4. Maintaining Safety & Interim Measures

- 4.1 UMSU will comply with its positive obligations to maintain a safe and healthy workplace, free of sexual harassment and discrimination by implementing Interim Measures that prioritise workplace safety and ensure the integrity of the investigation.
- 4.2 Interim Measures are proportionate temporary arrangements implemented during a workplace investigation that ensure the safety of all parties.
- 4.3 Interim Measures may be applied to a person alleged to have compromised the safety or wellbeing of an UMSU staff member, elected student representative or volunteer in order to ensure the safety of the working environment, discourage retaliation, prevent further harm and/or preserve the organisation's ability to conduct a thorough investigation where there has been a complaint under UMSU policy.

- 4.4 Interim Measures applied should be as minimally restrictive as possible and must be responsive to the needs of the person who disclosed being harmed or wronged.
- 4.5 Interim Measures are temporary and do not represent disciplinary outcomes which, can only be determined by the relevant authority specified in the relevant complaint resolution procedure set out at 2.3 - 2.5 of this policy.

5. Accessibility

- 5.1 UMSU will ensure that information about making a complaint is well-publicised to staff, elected student representatives, and volunteers through induction, communication, and regular training.
- 5.2 We will ensure that our processes to resolve complaints are easily understood and accessible to everyone.
- 5.3 If a person designates another person or organisation to assist or represent them in the making and/or resolution of their complaint, UMSU can communicate with them through their representative.
- 5.4 Anyone may represent a person wishing to make a complaint with their consent (e.g. UMSU Sexual harm Response Coordinator (SHRC), a family member, a legal or community representative).
- 5.5 A [Case Manager](#) for the complaint must be appointed prior to the initiation of the investigation, subject to the *UMSU Resolution of Complaints Procedure*.
- 5.6 The Case Manager must not also be a [Support Person](#).
- 5.7 The Case Manager must be unbiased and impartial.

6. Anonymous complaints

- 6.1 UMSU will accept anonymous complaints and will carry out a confidential investigation of the issues raised where there is sufficient information provided to do so.

7. Direct Complaints to UMSU

- 7.1 Complaints under this policy may be verbal or in writing and can be made via an UMSU Contact Officer, an UMSU Health and Safety Representative, the UMSU General Secretary, the Human Resources Manager or the [UMSU Complaints form](#).
- 7.2 All complaints received will be progressed subject to s. 9 of this policy.

8. Disclosures and Own Motion Investigations

- 8.1 In some circumstances, UMSU may elect to investigate a disclosure of an alleged incident, even when a complaint has not been made, where:
 - 8.1.1 There may be a risk to health and safety of anyone involved.
 - 8.1.2 Where two or more disclosures by different individuals identify the same person, or where there is evidence of a pattern of concerning behaviour.
 - 8.1.3 If the disclosure concerns a child under 18.
 - 8.1.4 The disclosure involves allegations which may be criminal in nature, such as rape, sexual assault, physical assault or stalking.

- 8.2 Where UMSU elects to investigate on its own motion, the individual who has made the disclosure will be advised as soon as possible and provided with:
 - 8.2.1 An explanation of why UMSU is proceeding with an investigation.
 - 8.2.2 An invitation to participate in the investigation.
 - 8.2.3 Information on the confidentiality requirements, the availability of Interim Measures and other relevant aspects of the investigation process.
 - 8.2.4 Assistance and referral as required to ensure the individual who made the disclosure is supported during the process.

9. Responding to complaints

- 9.1 The senior staff member in Human Resources or their delegate is responsible for the Case Management of complaints.
- 9.2 Where possible, complaints will be resolved at the lowest level involved with the issue, and consideration will be given to alternative [restorative response pathways](#) with the consent of the parties.
- 9.3 We will promptly acknowledge receipt of complaints, ideally within one working day.
- 9.4 We will assess and prioritise complaints according to urgency and/or seriousness. If a matter concerns an immediate risk to safety or security, the response will be immediate and escalated appropriately.
- 9.5 We are committed to clear communication and transparency regarding the process, and as soon as possible we will inform complainants of the following:
 - 9.5.1 the relevant process/es for the concern/s raised,
 - 9.5.2 the expected time frames for our actions,
 - 9.5.3 the availability of support during the process,
 - 9.5.4 the progress of the complaint and reasons for any delay,
 - 9.5.5 their likely involvement in the process, and
 - 9.5.6 the possible outcome/s of their complaint.
- 9.6 We will advise people as soon as possible when we cannot respond to any part of their complaint and provide advice about where they can direct their concerns.
- 9.7 We will advise people as soon as possible when we are unable to meet our time frames for responding to their complaint and the reason for our delay.

10. Objectivity and fairness

- 10.1 We will address each complaint with integrity and in an equitable, objective and unbiased manner.
- 10.2 We will ensure that the person handling a complaint has no involvement with or connection to any person whose conduct or service is being complained about.
- 10.3 Conflicts of interest, whether actual or perceived, will be managed responsibly. In particular, internal reviews of how a complaint was managed will be conducted by a person other than the original decision maker.

11. Privacy & Confidentiality

- 11.1 To the fullest extent practical and appropriate we will protect the identity of complainants.
- 11.2 Throughout the complaints process, including during any Formal Investigation, all potentially identifying personal information will only be used with the person's consent or disclosed as permitted under the [UMSU Privacy Policy](#), relevant privacy laws, and other legal obligations.
- 11.3 UMSU may disclose information relating to substantiated findings and disciplinary measures where necessary to:
 - 11.3.1 report a matter to police, regulatory body or external agency, including under the UMSU [Child Safety Policy](#),
 - 11.3.2 comply with mandatory reporting obligations, or contractual obligations,
 - 11.3.3 comply with any law, legal obligations or duties or to obtain legal advice,
 - 11.3.4 ensure the safety and wellbeing of staff, students and the broader University community and support the University's efforts to build a respectful and accountable community that is free from sexual misconduct.
- 11.4 Notwithstanding the importance of confidentiality during an investigation, individuals have the right to speak about what they have experienced or witnessed and to seek support, and may disclose confidential information during the investigation if it is required in order to:
 - 11.4.1 Seek support throughout the process from friends, family or another Support Person.
 - 11.4.2 Manage impacts on their employment or studies in the case of staff and students respectively.
 - 11.4.3 Report or pursue a complaint to Victoria Police, the Victorian Equal Opportunity and Human Rights Commission, WorkSafe, the Australian Human Rights Commission or the Fair Work Commission or another statutory or government authority.

12. Other Complaint Options

- 12.1 Where complaints relate to the conduct of elected student representatives and student volunteers, there may also be provision for a complaint or grievance to be made under the University's [Vice-Chancellor Regulation \(Part 6 Student Conduct\)](#) and according to the processes established by the University's [Student Conduct Policy](#) (MPF1324) and/or [Sexual Misconduct Prevention and Response Policy](#) (MPF1359).
- 12.2 It is preferable that a complaint concerning substantially the same alleged incident is not investigated by both UMSU and the University of Melbourne contemporaneously. Where this is the case, the complainant will be advised to nominate one complaint process to run first.

- 12.3 Where the complainant nominates the University's Student Conduct procedures, with the consent of the complainant, UMSU may request the University to share findings of facts arising out of an investigation and any disciplinary decisions that are made as a result, pursuant to the University's [Student Conduct Policy](#) (MPF1324) at 5.35 & 5.36.
- 12.4 Where the complainant nominates UMSU's complaint process, with the consent of the complainant and at the University's request, UMSU may share findings of fact arising out of an *investigation* and any disciplinary decisions that are made as a result, with the University.
- 12.5 An investigation report provided by the University under 12.3 of this policy, will be considered by the UMSU CEO, who may provide notice to the Students' Council that an elected student representative has breached UMSU policy, with findings substantiated by a Formal Investigation to be progressed in conformity with the [UMSU Constitution](#).

Accountability and Continuous Improvement

- 12.6 UMSU will ensure that complaints, their resolution, and any action taken are recorded in a systematic way so that information can be easily retrieved and deidentified for reporting and analysis by UMSU management and the Students' Council.
- 12.7 We will run at least quarterly reports on:
- 12.7.1 the number of complaints received, and
 - 12.7.2 issues arising from complaints and systemic issues identified.
- 12.8 Bi-annual analysis of these reports will be undertaken to monitor trends, measure the quality of our customer service and make improvements.
- 12.9 Both deidentified reports and their analysis will be provided to our CEO, senior management and to the Students' Council for review, at least annually.
- 12.10 We are committed to improving the way UMSU operates, including the effectiveness and efficiency of our complaints framework. To this end, we will:
- 12.10.1 support the making and appropriate resolution of complaints
 - 12.10.2 implement best practices in complaint handling
 - 12.10.3 regularly review the complaint management process and complaint data, and
 - 12.10.4 implement appropriate system changes arising out of our analysis of complaints data and continual monitoring of the process.

Approver	CEO and Students' Council
Responsibility for Implementation	<ul style="list-style-type: none"> • Manager, Human Resources • CEO • Coordinator, Student Representation • Volunteer Manager
Definitions	<ul style="list-style-type: none"> • Case Manager means a staff member delegated by the senior staff member in Human Resources who will coordinate all aspects of the complaint management process, is responsible for implementing any Interim measures and who is the point of contact with all parties until the resolution of the process. • Support Person means an individual who, at the request of the Complainant, provides emotional support and advocacy during the complaints process. The Support Person may be a member of the UMSU Sexual Harm Response Coordinator team for students, an NTEU delegate or representative for staff, or friends, family or another professional.
Related Policy and Procedures	<ul style="list-style-type: none"> • UMSU Child Safety Policy • UMSU Conflicts of Interest Policy • UMSU Health and Safety Policy • UMSU Interaction Protocols & Policy • UMSU Prevention of Prevention of Sexual Misconduct Policy • UMSU Privacy Policy • UMSU Resolution of Complaint Procedures • UMSU Resolution of Complaint Procedures – Investigation • UMSU Social Media Policy • UMSU Student Media Policy • UMSU Volunteer Policy • UMSU Workplace Conduct Policy
Related documents	<ul style="list-style-type: none"> • UMSU Constitution • UMSU Council Charter • UMSU Discipline Regulation • UMSU Publishing Regulations • UMSU Enterprise Bargaining Agreement or equivalent
Status	FINAL – in force

Change Table

Version #	Issue Date	Amendment Details	Approval Date	Approved By
1.Consultation Draft	November 2024	First iteration	-	-
2. Final Policy	January 2025	-	17 January 2025	CEO & Students' Council