

# UMSU Resolution of Complaints – Investigation Procedure

Effective Date	January 2025
Review Date	January 2028
Procedure Owner	CEO

---

## 1. Preliminaries

- 1.1. Where the respondent to an allegation, complaint or instance of unacceptable conduct is a staff member, the investigation will be carried out in accordance with this procedure and the Disciplinary Procedures set out in the applicable Enterprise Agreement.
- 1.2. Where the respondent to an allegation, complaint or instance of unacceptable conduct is an elected student representative, the investigation will be carried out in accordance with this procedure and the UMSU Constitution and Discipline Regulations.
- 1.3. These procedures should be undertaken in a timely manner and commence as soon as practicable upon referral of the matter to an investigator.
- 1.4. Notwithstanding the need for timeliness, it is acknowledged that an investigation make take some time to be completed thoroughly and fairly, and in order to mitigate the impact on all parties, the following principles will be observed:
  - 1.4.1. A Case Manager for the complaint must be appointed prior to the initiation of the investigation, in accordance with the UMSU Complaints Policy.
  - 1.4.2. The Case Manager must:
    - 1.4.2.1. keep all parties informed at regular intervals to ensure they are aware of the status of the process and are receiving required support.
    - 1.4.2.2. ensure all appropriate Interim Measures are in place and are maintained or amended as required in the course of the investigation.

## 2. Scope

- 2.1. This procedure applies to Elected Student Representatives and volunteers.
- 2.2. In accordance with the UMSU [Resolution of Complaints Procedure](#), for staff, the investigation process will be carried out in accordance with the process outlined in the Enterprise Agreement in force at the time.

### **3. Preparation for Investigation**

- 3.1. The Case Manager must brief the investigator on what they are required to deliver. It should also be made clear to the investigator whether findings or recommendations or both are required.
- 3.2. The appointed investigator will act fairly, without bias, and aim to provide natural justice.
- 3.3. While preparing to investigate a complaint the investigator will analyse the issue/s, consider what types of evidence may need to be collected, and determine an investigation action plan.

### **4. Notice of Investigation**

- 4.1. Appropriate notice of an investigation must be provided to the complainant, the respondent and any witnesses identified. The communication will be tailored to the level of involvement of the recipient of the communication.
- 4.2. For a respondent the notice of investigation must include:
  - 4.2.1. An invitation to attend an interview for the purposes of conducting an investigation, including: the time, date and location of the interview, the identity of the investigator, and any other parties who will be present.
  - 4.2.2. An outline of the matters to be investigated including details of alleged conduct and alleged breaches of UMSU Policy.
  - 4.2.3. The opportunity to bring a support person.
  - 4.2.4. Instructions about their rights and obligations relating to privacy and confidentiality, re-victimisation, and maintaining the integrity of the investigation.
  - 4.2.5. If they are required to adhere to any Interim Measures that have been implemented to ensure that UMSU maintains a safe workplace.
  - 4.2.6. Copies of relevant UMSU policies.
  - 4.2.7. Referral to relevant support services.

### **5. Collection of Information**

- 5.1. Collected evidence may include verbal interviews or relevant parties, documentary evidence (e.g. written information, emails, posts on social media), inspection of spaces/work sites.
- 5.2. In instances where there is a complainant, this person should be interviewed first and prior to notice being provided to the respondent. This interview should be used to understand the nature of the allegation, complaint, or instances of unacceptable conduct. The allegation, complaint or instance of unacceptable conduct will be put to the respondent, and they will be invited to formally respond to the complaint.
- 5.3. Other parties who may be involved may be required to be interviewed.
- 5.4. Complainants, respondents and witnesses who are interviewed as part of an investigation may be accompanied by a support person.

- 5.5. The role of the support person is to:
  - 5.5.1. Provide emotional support and reassurance.
  - 5.5.2. Observe the interview, assist in clarifying the process and to take notes.
  - 5.5.3. A support person must:
    - 5.5.3.1. Respect and maintain confidentiality.
    - 5.5.3.2. Not answer on behalf of the person to whom support is being provided.
    - 5.5.3.3. Not advocate on behalf of the person to whom support is being provided.

## **6. Review of Evidence**

- 6.1. The investigator will ensure that the respondent has been given an opportunity to respond to the allegation/s.
- 6.2. The investigator will then determine whether any additional evidence or documentation should be collected and if further interviews (such as with witnesses) need to be conducted

## **7. Consideration and analysis of evidence**

- 7.1. At this stage the investigator will consider all available information to determine the outcome of the investigation. The following may be considered as part of the investigation process:
  - 7.1.1. What evidence is there to support each allegation?
  - 7.1.2. What evidence is there to refute each allegation?
  - 7.1.3. How much corroborating evidence is there?
  - 7.1.4. How reliable is the evidence overall (how recent is it, is there any bias)?
  - 7.1.5. How credible are the witnesses?
  - 7.1.6. Can conclusions be drawn based on the evidence available?

## **8. Preparation of Investigation Report**

- 8.1. The investigator will prepare a confidential report which will include the following elements:
  - 8.1.1. Introduction
  - 8.1.2. Background
  - 8.1.3. Alleged Breach
  - 8.1.4. Investigation procedure
  - 8.1.5. An analysis of evidence matrix
  - 8.1.6. Summary of Findings
  - 8.1.7. Recommendations (including whether to commence disciplinary action or identifying any other actions that should be considered).
- 8.2. The investigator must also prepare a summary report which contains only material findings (8.1.6) and recommended actions (8.1.7).

## 9. Investigation Outcome

- 9.1. The full and summary investigation reports will be presented to the CEO.
- 9.2. The CEO may share the summary report with other parties to the complaint, such as witnesses, immediate team or committee members, or other relevant parties to the complaint to assist with the complaint resolution.
- 9.3. The CEO may share information about findings of facts and any disciplinary or industrial decisions made as a result of a Formal Investigation with potential future employers or other third parties who seek references or information about a person's conduct while they were a staff member, Elected Student Representative or volunteer at UMSU.

### Investigation Outcome - Staff Member

- 9.4. Where a complaint is found to be substantiated, and further disciplinary action is proposed, this will be in accordance with the Disciplinary Procedures set out in the relevant Enterprise Agreement.

### Investigation Outcome – Student Representative

- 9.1. Where a complaint is found to be substantiated, and further disciplinary action is proposed, this will be in accordance with the Discipline Regulations and the UMSU Constitution.

### Investigation Outcome - Volunteer

- 9.2. Where a complaint is found to be substantiated, and further action is proposed, this will be in accordance with the UMSU [Volunteer Policy](#).

## 10. Communication of Outcomes

- 10.1. To protect the confidentiality of all parties, complainants and respondents will be advised of the outcomes of the investigation via the office of the CEO.
- 10.2. Any witnesses will also receive communication regarding the outcomes. The communication will be tailored to the level of involvement of the parties and subject to the UMSU [Privacy Policy](#).

<b>Approver</b>	CEO and Students' Council
<b>Responsibility for Implementation</b>	<ul style="list-style-type: none"> <li>• Manager, Human Resources</li> <li>• CEO</li> <li>• Students' Council</li> <li>• Coordinator, Student Representation</li> <li>• Volunteer Manager</li> </ul>
<b>Related Regulations, Policy and Procedures</b>	<ul style="list-style-type: none"> <li>• UMSU <a href="#">Child Safety Policy</a></li> <li>• UMSU <a href="#">Complaints Policy</a></li> <li>• UMSU <a href="#">Interaction Protocols Policy</a></li> <li>• UMSU <a href="#">Prevention of Prevention of Sexual Misconduct Policy</a></li> <li>• UMSU <a href="#">Privacy Policy</a></li> <li>• UMSU <a href="#">Resolution of Complaint Procedures</a></li> <li>• UMSU <a href="#">Volunteer Policy</a></li> </ul>
<b>Related Documents</b>	<ul style="list-style-type: none"> <li>• UMSU <a href="#">Constitution</a></li> <li>• UMSU <a href="#">Council Charter</a></li> <li>• UMSU <a href="#">Discipline Regulation</a></li> <li>• UMSU Enterprise Bargaining Agreement or equivalent</li> </ul>
<b>Supporting Documents</b>	<ul style="list-style-type: none"> <li>• Investigation Checklists</li> <li>• Case Management Resources</li> <li>• Summary Investigation Report template</li> <li>• Full Investigation Report Template</li> </ul>
<b>Definitions</b>	<p><b>Case Manager:</b> is the staff member appointed to oversee the process of complaint resolution, keep all parties informed of the status and progress of the process, and be the first point of contact for all parties involved.</p> <p><b>CEO:</b> is the Chief Executive Officer.</p> <p><b>Elected Student Representative:</b> means a student elected into office at UMSU as an Office Bearer, Student's Councillor or student department committee member.</p> <p><b>Interim Measures:</b> Interim Measures: are proportionate summary measures to ensure the safety of all parties and to maintain the integrity of any investigation. Interim Measures will be temporary and do not represent disciplinary outcomes which can only be determined by the relevant authority, as specified in these procedures.</p> <p><b>Investigation:</b> is a systematic process for establishing the facts and circumstances surrounding a complaint or allegation made regarding a respondent and using the information obtained to take timely and appropriate action.</p> <p><b>Unacceptable Conduct:</b> is conduct set out in the UMSU <a href="#">Workplace Conduct Policy</a> and the UMSU <a href="#">Prevention of Sexual Misconduct Policy</a>.</p>
<b>Status</b>	<b>FINAL – in force</b>

## Change Table

Version #	Issue Date	Amendment Details	Approval Date	Approved By
1.	October 2019	First iteration	October 2019	CEO & Students' Council
2	November 2024	Amended to incorporate new Complaints Policy Framework	-	
3	January 2025	-	17 January 2025	CEO & Students' Council