

# UMSU Resolution of Complaints Procedure

Effective Date: January 2025  
Review Date: January 2028  
Procedure Owner: CEO

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## 1. Purpose

- 1.1. This procedure is intended to be read in conjunction with the UMSU [Complaints Policy](#) and sets out the procedure for the resolution of complaints within scope of these procedures.
- 1.2. UMSU is committed to ensuring these procedures are understood and adhered to by providing appropriate information and education.
- 1.3. All complaints are to be treated in a sensitive, fair and timely manner.

## 2. Scope

- 2.1. This procedure applies to staff, Elected Student Representatives and volunteers at UMSU.
- 2.2. All complaints concerning allegations of breaches of:
  - 2.2.1. UMSU [Prevention of Sexual Misconduct Policy](#)
  - 2.2.2. UMSU [Child Safety Policy](#)
  - 2.2.3. UMSU [Workplace Conduct Policy](#)will be dealt with in accordance with the UMSU [Complaints Policy](#) and the procedures set out below.

## 3. Triage and Management of Conflicts and Complaints

- 3.1. Wherever possible, and when appropriate, UMSU will strive for early resolution of interpersonal conflict, in a non-judgemental way that assumes no assignment of fault or responsibility. Early resolution aims to provide the Parties with a facilitated process and safe environment to reach a mutually agreed solution.
- 3.2. UMSU is committed to empowering and supporting individuals to decide how to progress concerns under these procedures. However, where preliminary assessments determine that a concern raised may lead to a finding of Misconduct, Serious Misconduct, Suspension and/or cessation of engagement with UMSU, an investigation in accordance with the UMSU [Resolution of Complaints – Investigation Procedure](#) will be undertaken without delay.

- 3.3. Informal resolution of conflicts between UMSU staff and Elected Student Representatives should be guided by the UMSU [Interaction Protocols Policy](#), sections 6 & 7.
- 3.4. At any stage individuals may seek advice or assistance in this process from the Manager, Human Resources, an UMSU [Contact Officer](#), a Health and Safety Representative, or another support person such as a trade union delegate.
- 3.5. If a complaint under University policy concerns the same incidents as a complaint made to UMSU under this procedure, UMSU will consider suspending the complaint investigation until the University process is completed.
- 3.6. Where a University investigation report is provided to UMSU, in relation to substantially the same concern, UMSU may rely on this report rather than an investigation.

## 4. Procedure

### Informal resolution of complaint directly

- 4.1. Complaints regarding serious misconduct are not appropriate for informal resolution.
- 4.2. When appropriate, individuals are encouraged to attempt to resolve concerns directly with the person they believe is responsible by:
  - 4.2.1. Approaching them directly.
  - 4.2.2. Describing conduct they consider to be unreasonable/unacceptable.
  - 4.2.3. Asking them to cease the conduct.
  - 4.2.4. Keeping a written record of this action.

### Informal resolution of unacceptable conduct at the local level

- 4.3. Where it is not appropriate or where an individual cannot raise the matter directly with the party or parties they believe to be responsible, they should raise it with:
  - 4.3.1. in the case of Elected Student Representatives the Coordinator, Student Representation, or
  - 4.3.2. in the case of volunteers, the Volunteering Manager.
- 4.4. Where the complaint concerns the individual in 4.3, they should raise it with the next person of seniority in the area, or the CEO. Where an individual's supervisor is the CEO, they should raise it with the Manager Human Resources who may consult the Chief Executive Officer Oversight Committee (CEOOC) for assistance.
- 4.5. Individuals in leadership positions at UMSU have a positive obligation to identify, prevent and respond to maintain a safe and healthy workplace, to identify and assist individuals to resolve conflict directly. UMSU seeks to empower its leaders to respond to alleged inappropriate conduct, by encouraging them to focus on identifying the cause(s) of the conduct and *implementing* strategies to address them at the local level.

- 4.6. Individuals in leadership positions working to resolve concerns of unacceptable conduct are encouraged to seek advice and assistance from the Manager, Human Resources or the CEO.

## 5. Formal Resolution Process

- 5.1. Individuals may be assisted by a support person throughout the Formal Resolution Process.
- 5.2. Where informal resolution has not been successful, or is not appropriate due to the nature of the allegation, procedures for the formal resolution of incidents alleging unacceptable conduct will be addressed in three stages:
  - 5.2.1. Notification of the complaint to the Manager, Human Resources and CEO.
  - 5.2.2. Decision by the Manager, Human Resources and CEO regarding further action which may include:
    - 5.2.2.1. facilitated discussion; and/or
    - 5.2.2.2. formal investigation in accordance with the UMSU [Resolution of Complaints – Investigation Procedure](#) or the Enterprise Agreement in force at the time, as appropriate, or
    - 5.2.2.3. no action if the allegation, complaint or instances of unacceptable conduct is considered to be frivolous, vexatious, misconceived or lacking in substance.
- 5.3. A suitably qualified member of staff, generally the Human Resources Manager, or their delegate, will be assigned Case Manager for the complaint in accordance with the UMSU [Complaints Policy](#).
- 5.4. The Case Manager is responsible for:
  - 5.4.1. Being the primary contact between UMSU and the complainant, and UMSU and the respondent.
  - 5.4.2. Providing regular status updates to all Parties, even when there is nothing new to report.
  - 5.4.3. Promptly implementing and then monitoring any Interim Measures or changes.

### Notification of complaint

- 5.5. Complaints may initially be made in either verbal or written form.
- 5.6. Where an individual, or their supervisor/s, or another informed individual believes that resolution of unacceptable conduct at the local level is not possible/appropriate, or when Parties do not agree about whether an issue can be resolved at the local level, notice should be provided to UMSU of the complaint.
  - 5.6.1. For staff, this should be directed to the Manager, Human Resources.
  - 5.6.2. For Elected Student Representatives, this should be directed to the Coordinator, Student Representation.
  - 5.6.3. For volunteers, this should be directed to the Volunteering Manager.

- 5.7. Early notification can lead to early intervention which will assist individuals who may require support and/or guidance on how to manage the resolution of unacceptable conduct.
- 5.8. The Manager, Human Resources, the Coordinator, Student Representation or Volunteering Manager will acknowledge receipt of the notification and may ask the individual who submitted it for further information, in order to document a written account of what is alleged to have happened, and the steps taken to address it. This may include:
  - 5.8.1. an explanation of the alleged unacceptable conduct in full; and/or
  - 5.8.2. an explanation of the impact of the conduct; and/or
  - 5.8.3. any steps taken by the individual to resolve the concern informally.

### **Decision regarding further action**

- 5.9. The Manager, Human Resources, the Coordinator, Student Representation or Volunteering Manager, together with the CEO, will consider the information received and will decide and advise on the best sequence of further action which may include:
  - 5.9.1. Any Interim Measures required.
  - 5.9.2. A Facilitated Discussion, or alternatively
  - 5.9.3. an Investigation.

### **Interim Measures**

- 5.10. In accordance with the [UMSU Complaints Policy](#), the Manager, Human Resources and CEO, having regard to UMSU's obligation to maintain a safe and healthy workplace, free of sexual harassment and other unacceptable conduct must determine what Interim Measures are required.
- 5.11. In making this determination, the Manager, Human Resources and CEO must consult with the Parties to the complaint to ensure informed decision making.
- 5.12. Interim Measures may include:
  - 5.12.1. Standing down the respondent from their substantive duties.
  - 5.12.2. Excluding the respondent from UMSU spaces and activities for the duration of any investigation, up to and including any process undertaken by the Charter Tribunal.
  - 5.12.3. Moving one or both of the Parties to other work areas.
  - 5.12.4. Any other actions deemed reasonably necessary by the CEO to meet UMSU's legislative obligations.
- 5.13. Interim Measures should be reviewed regularly, and at the request of the Parties to ensure they remain effective and appropriate.
- 5.14. All Parties must be kept informed of the process, with regular updates provided by the Case Manager.

## Facilitated Discussion

- 5.15. Where it is determined in consultation with the Parties that a facilitated discussion is appropriate, the Manager, Human Resources, or a suitably qualified and experienced mediator will invite the Parties to participate in a facilitated discussion to attempt to resolve the issue.
- 5.16. The goal of a facilitated discussion is for the participants to resolve the dispute themselves, by making a commitment to a resolution that is acceptable to the Parties and UMSU.
- 5.17. A facilitated discussion is a voluntary process undertaken by relevant Parties which involves:
  - 5.17.1. identification with each of the Parties, the issues thought to be the cause of concern;
  - 5.17.2. clarification on what is being sought by either of the Parties and what is required to resolve their differences;
  - 5.17.3. active participation to attempt to resolve the issues and reach agreement regarding future interaction (e.g. conduct and communication protocols); and
  - 5.17.4. reaching agreement on an acceptable resolution process, which may include an agreement or a commitment to work together to resolve the issues between them or to proceed to an investigation.
- 5.18. Where there is concern for the welfare of either party, participation in a facilitated discussion should not be used and information should be sought through separate meetings.
- 5.19. If, at the conclusion of the facilitated discussion, the Parties reach an acceptable agreement regarding their future interaction these will be documented by the Manager, Human Resources and will constitute resolution of the matter.
  - 5.19.1. Any breach of an agreed outcome may constitute grounds for disciplinary action.
- 5.20. Failure by either or both of the Parties to attend an agreed facilitated discussion without cause may form the basis for the Manager, Human Resources to determine that no further action is possible or practicable in relation to the matter under 5.5.1.
- 5.21. If, within a reasonable period of time (as determined by the Manager, Human Resources having regard to the circumstances of each of the Parties and the need for timely processes), the Parties are unable to reach an agreed outcome either in relation to an acceptable resolution process or the complaint itself, the Manager, Human Resources will:
  - 5.21.1. formally notify each party that the matter has not been resolved; and
  - 5.21.2. initiate the formal investigation process to resolve the complaint.

## Formal Investigation

- 5.22. For staff, the investigation process will be carried out in accordance with the process outlined in the Enterprise Agreement in force at the time.
- 5.23. For Elected Student Representatives and Volunteers, the investigation process will be carried out in accordance with these UMSU procedures.

## 6. Resolution

- 6.1. Allegation, complaints or instances of unacceptable conduct may be resolved by a number of means. The resolution will depend on the nature of the issue, and the process used to reach a resolution.

### Informal Resolution

- 6.2. Examples of outcomes following a informal resolution process may include:
  - 6.2.1. An apology.
  - 6.2.2. An undertaking that the unacceptable conduct/s will stop.
  - 6.2.3. Change in work arrangements; and/or
  - 6.2.4. Education, training and development to support the respondent in understanding and abiding by UMSU's policies and Procedures; and/or
  - 6.2.5. No further action taken.
- 6.3. Where the Manager, Human Resources forms the view that no further action is to be taken, then Manager, Human Resources will inform both Parties, and the CEO in writing of the reasons for that view.

### Formal Resolution

- 6.4. Where an allegation, complaint or instance of unacceptable conduct is found to be substantiated following a formal investigation, and further action is recommended, outcomes for staff are governed by the Disciplinary Procedures in the Enterprise Agreement in force at the time.
- 6.5. Where there is a substantiated complaint against an Elected Student Representative, outcomes must be in accordance with the [UMSU Constitution](#) and associated Regulations.
- 6.6. If the matter relates to a volunteer, this will be dealt with in accordance with the [UMSU Volunteer Policy](#).
- 6.7. In serious cases, for staff, this may include termination of employment. For Elected Student Representatives, or volunteers this may include suspension or removal from their position.
- 6.8. When resolving a complaint, regard should be had to whether the complainant or reporter has suffered any detriment, and how this may be addressed or compensated.

## Further Action - Volunteer

- 6.9. When the respondent is a Volunteer, the CEO will write to the respondent and advise them of any further actions that are proposed, outlining the basis for the proposed action. The respondent will have seven days to provide a written response to the proposed action. Where the respondent provides a written response, this will be taken into account by the CEO in determining further actions to be taken.
- 6.10. Within one week of receiving any response from the respondent, the CEO will write to the complainant advising them of any further actions to be taken.

## 7. Disputes

- 7.1. Where these procedures have been exhausted and a staff member, Elected Student Representative or volunteer is dissatisfied with the process, they may seek to invoke the provisions of the following clauses, as applicable to them:
  - 7.1.1. The Dispute Resolution Procedures set out in the Enterprise Agreement in force at the time.
  - 7.1.2. The dispute resolution process for student representatives under the [UMSU Constitution](#).
  - 7.1.3. Procedure for the Resolution of Volunteer Grievances and Disputes under the [UMSU Volunteer Policy](#).
- 7.2. Nothing in this procedure precludes the CEO in their sole discretion from taking any required action to ensure UMSU meets its obligations at law and complies with the University SSAF Funding Agreement in force at the relevant time.

<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>• Coordinator, Student Representation</li> <li>• Volunteer Manager</li> </ul>
<b>Related Policies 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="#">Health and Safety 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 – Investigation</a></li> <li>• UMSU <a href="#">Volunteer Policy</a></li> <li>• UMSU <a href="#">Workplace Conduct 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>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> 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>Parties:</b> are the complainant and respondent involved in this process.</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	Comprehensive update to align with new complaints framework	-	-
3.	January 2025	-	17 January 2025	CEO & Students' Council