

# GRIEVANCE RESOLUTION Procedures

---



RESPONSIBLE COMMITTEE:	Institute Council
CATEGORY:	Institute Governance
DATE APPROVED BY COUNCIL:	25 August 2004
REVIEW DATE:	August 2006
RELATED POLICIES AND DOCUMENTS:	<a href="#">Grievance Resolution Policy</a> <a href="#">Privacy Policy</a> <a href="#">Access &amp; Equity Policy</a> <a href="#">Assessment Policy</a> <a href="#">Public Record Office Standards</a>

---

## Introduction

To facilitate the [Grievance Resolution Policy](#) the following Grievance Resolution Procedures have been formulated to resolve issues arising between students, staff, and/or the Institute. The grievance resolution process will follow the steps detailed below until it is resolved. At any point either party involved may choose to take the matter before an appropriate external tribunal or authority, at which point the internal process will be immediately suspended.

## Definitions

Grievance:	A complaint arising from any situation within the control of the Institute, which causes a student or staff member serious discomfort or concern.
Grievance resolution:	The process by which grievances are acknowledged and an acceptable outcome agreed to by the parties involved.
Informal stage:	Processes for dealing with the grievance directly between the parties involved, with no formal mediation or documentation.
Formal stage:	A sequence of mediation processes put in place to address a specific documented grievance issue.
Third party:	A person outside the grievance issue who can act as facilitator and assist with the resolution process. This can be an external representative but not a legal representative.
Advocate:	A person who provides personal support to a party involved with the grievance.
Mediation:	A structured process led by a neutral third party seeking to negotiate an acceptable resolution to a grievance.

## Procedure—informal stage

*At this stage:*

- *Parties to the grievance are encouraged to resolve the grievance at this stage.*
  - *No official records are kept. However, if a third party is involved they may wish to make notes for future reference. At this stage these are only maintained by that person and are not placed on the related student enrolment file or staff personnel file.*
  - *Parties to the grievance can have an advocate assist and support them during proceedings.*
1. If possible, the person with the grievance should discuss the matter directly with the person causing the grievance.
  2. If unresolved, the person with the grievance may approach a third party, for example the Department Manager, Student Services team member, Student Association staff or representative

from an external agency to help facilitate an outcome. The third party can encourage an acceptable agreement.

3. No official documentation or record is kept during informal discussions, except that the parties may choose to prepare and all sign off on an agreed outcome.
4. If an acceptable outcome cannot be reached then the aggrieved party may document the grievance and seek a formal resolution.

### **Procedures—formal stage**

*At this stage:*

- *Official record keeping commences. Documentation of the grievance, any record of proceedings and outcome will be maintained by the Director's Office in a confidential file. Where the grievance results in disciplinary action, the records will be retained in conjunction with the relevant student enrolment file or staff personnel file. All other records will be maintained in accordance with Public Records Office Standards.*
  - *Parties to the grievance can have an advocate assist and support them during proceedings. Union representation can be requested.*
  - *The parties nominated in the grievance will be provided with details of the allegation against them and will have the opportunity to respond before resolution is attempted.*
1. The person with the grievance should write to the Director of South West TAFE outlining the nature of their grievance. The Director will forward the grievance to the relevant Department Manager or an appropriate person for investigation and mediation. The Director will then provide a written reply to the person with the grievance within five working days.
  2. If still unresolved, the person with the grievance may, within five working days of receiving the written response from the Director, request that the matter be heard before a Grievance Panel.
  3. The Director will establish the Grievance Panel, which will normally consist of:
    - a senior staff member as chairperson
    - a staff member nominated by the Director and
    - either a student representative nominated by the Student Representative Council or
    - an additional staff member nominated by the relevant union, where appropriate.
  4. The parties involved in the grievance should approve all nominees to the Grievance Panel.
  5. The Grievance Panel will sit within five working days of the Director receiving the request from the person involved in the grievance.
  6. The Grievance Panel shall make a determination within five working days of hearing the matter and will provide a written report of its decision including reasons to all involved parties and the Director.
  7. All parties to the grievance may, within five working days of receiving the written determination of the Grievance Panel, make a written request for an appeal to be heard by the Appeal Committee. The Institute Council may use its discretion about the composition of the Appeal Committee in consideration of the issues involved and the potential use of conciliation skills from inside and outside the Institute.
  8. If a staff grievance relates to an industrial issue, the Appeal Committee will normally be the relevant Implementation Consultative Committee established under the Institute's Enterprise Agreements.
  9. The Appeals Committee will resolve the matter promptly and will provide a written report of its decisions including reasons to all parties and to the Council. The recommendation will be final and Institute will normally make no further consideration of the matter.

## Flow chart – grievance resolution processes

The following diagram shows the process, step by step.

