



Sydney University Postgraduate Representative Association (SUPRA) Grievance Procedures

A. Preamble

Name of Procedures

These are the Sydney University Postgraduate Representative Association (SUPRA) Grievance Procedures.

Commencement

These procedures commenced on 10 June 2016.

Procedures are binding

These procedures bind SUPRA, its Council, constituents, members, staff, affiliates, contractors, clients, customers, and visitors.

Statement of intent

These procedures:

- a) support the SUPRA Constitution ('the Constitution') and the SUPRA Grievance Policy and shall not be interpreted so as to contravene either the Constitution or the SUPRA Grievance Policy;
- b) detail SUPRA's management of complaints, concerns, or grievances.

B. Procedures

1. Definitions

- 1.1 The definitions set out in the Constitution and the SUPRA Grievance Policy shall apply to these procedures.
- 1.2 In addition, for the purposes of these procedures:
- 1.2.1 **Informal Mediation** means mediation to resolve a grievance which can be resolved immediately or within a short time period after the issue arises for reasons including, but not limited to, the fact that:
- a) the matter is relatively minor in nature;
 - b) there is little dispute about the events in question; and/or
 - c) the purpose of the mediation is to simply clarify a misunderstanding, obtain an apology, facilitate a discussion, or agree on how to avoid similar incidents in the future.
- 1.2.2 **Investigator** means any appropriately trained person, whether internal or external to SUPRA, who is not involved in the grievance and is appointed to investigate the grievance.
- 1.2.3 **President** means the President of SUPRA, or any other person responsible for handling the grievance pursuant to subclause 4.1.2 of these procedures.
- 1.2.4 **Support Person** means an individual nominated by a party to a grievance to provide them with assistance and support in connection with the resolution of the grievance. A support person cannot act as an advocate, representative, or spokesperson for the party they are supporting.

2. Guiding Principles

2.1 Procedural Fairness

- 2.1.1 The principles of procedural fairness apply to the application of these procedures at all times.
- 2.1.2 Any person against whom a grievance is made shall have the right to be provided with full details of the grievance in writing, and be given a reasonable amount of time to respond in writing and to provide any relevant documentation for consideration.

2.2 Impartiality

- 2.2.1 The principle of impartiality applies to the application of these procedures at all times.
- 2.2.2 Any person handling or dealing with a grievance shall be impartial and free of any conflict of interest or bias in relation to any party involved in the matter.

2.3 Timeliness

- 2.3.1 Grievances shall be resolved in a timely manner, having regard to the nature of the matter and all relevant circumstances.

2.4 Amicable Interactions

- 2.4.1 The preferred outcome of any grievance is amicable resolution between the parties.

3. Confidentiality

- 3.1 Confidentiality shall be maintained by all parties involved in a grievance and by any party bound by these procedures who becomes aware of the existence of a grievance or of any details in relation to the nature or handling of that grievance.
- 3.2 The details of the grievance, the grievance handling process, and all documents related to the grievance shall remain confidential, except where disclosure is required as part of any investigation process, or in accordance with the SUPRA Policy Manual, relevant University policy, or by law.
- 3.3 Where disclosure is required pursuant to subclause 3.2 of these procedures, the person who makes the decision in relation to the disclosure, shall keep a written record of the reasons for disclosure.

4. Responsibilities

4.1 Responsibility for Handling Grievances

- 4.1.1 The President shall handle all grievances.
- 4.1.2 In the event that the President is a party to the grievance or otherwise unable to act; for example, if they have a conflict of interest, responsibility for handling the grievance will fall in order to the following:

- a) Vice President;
- b) Education Officer;
- c) Secretary;
- d) Treasurer;
- e) a Councillor nominated by Council.

4.1.3 The President may elect to vary any steps set out in these procedures for a particular matter if it is considered appropriate in the circumstances.

4.2 Responsibilities of those Involved in the Process

4.2.1 All parties to the grievance are required to:

- a) not bring vexatious or frivolous grievances;
- b) cooperate and participate in the grievance process in good faith;
- c) be honest in statements made during grievance processes;
- d) supply relevant information and documents when requested to do so;
- e) maintain confidentiality in relation to the grievance; and
- f) not victimise any party or participant in a grievance or cause any other party to victimise any party or participant in a grievance.

4.2.2 All individuals involved in dealing with the grievance, including but not limited to, the grievance handler, mediators, investigators, or grievance committee members are required to:

- a) uphold the policy and the guiding principles of the procedures;
- b) declare any conflict of interest as soon as they become aware of it, and as appropriate, immediately recuse themselves from participating in any relevant decisions, or processes;
- c) maintain confidentiality in relation to the grievance, particularly with respect to any documentation which might come into their possession in relation to the grievance;
- d) not abuse their position for personal gain or for the gain of any associate; and
- e) provide a report on the handling of the grievance either in the form requested or in accord with the provisions of these procedures.

5. Grievance Handling

5.1 Support Persons

- 5.1.1 A party to a grievance is entitled to have a support person present during meetings or interviews that take place as part of the grievance handling process.
- 5.1.2 Where appropriate, a party to a grievance may request to have two or more support persons.
- 5.1.3 A support person must not be involved in the grievance in any way.
- 5.1.4 SUPRA staff or contractors are entitled to invite a union representative to act as their support person.

5.2 Informal Resolution

- 5.2.1 Where possible, informal resolution between parties should be attempted prior to resorting to more formal methods of resolution.
- 5.2.2 Where possible, a party with a grievance should directly approach the person they believe is responsible for the issue (either on their own or with a support person) and attempt to resolve the matter through discussion.
- 5.2.3 Where the grievance relates to SUPRA itself rather than to any individual, discussions to reach informal resolution should take place between the aggrieved party (either on their own or with a support person) and the President.

5.3 Reporting Grievances

- 5.3.1 If an aggrieved party does not feel comfortable attempting informal resolution or is unable to resolve their grievance informally, they should report their grievance to the President.
- 5.3.2 In the event that the aggrieved party does not feel comfortable reporting the grievance to the President, or the President is a party to the grievance, it may be reported to any member of the executive or Council, or to a SUPRA staff member.
- 5.3.3 Any person who receives a formal report of a grievance should report it to the President as soon as practicable.

5.4 Assessment of Grievance

- 5.4.1 Upon receiving a grievance, the President may conduct interviews with relevant parties, review documentation and undertake any other action considered necessary to properly assess the grievance.
- 5.4.2 Based on their assessment, the President shall decide on the appropriate course of action to deal with the matter, including, but not limited to:
- a) investigating and determining the matter themselves;
 - b) dealing with the matter under another more appropriate process;
 - c) establishing a grievance committee to handle the matter;
 - d) appointing a mediator or mediators to conduct either informal or formal mediation;
 - e) appointing an investigator or investigators to conduct an investigation;
 - f) referring the matter to the executive for a determination on the appropriate process for dealing with the matter;
 - g) referring the matter to be dealt with by the University under another more appropriate process; and/or
 - h) taking no further action in relation to the grievance.
- 5.4.3 The President shall communicate full details of their decision including their reasons for making that decision to the aggrieved party as soon as practicable.

5.5 Informal Mediation

- 5.5.1 If the President decides that informal mediation is the appropriate way to deal with a grievance, they shall appoint a suitable person as mediator.
- 5.5.2 Following informal mediation, the mediator must provide a report to the President which includes details of:
- a) the parties to the grievance;
 - b) the nature of the grievance;
 - c) the outcome of the mediation; and
 - d) recommendations for further action, if any:
 - i) related to the grievance; and/or
 - ii) for procedural change.
- 5.5.3 The President shall be responsible for determining what, if any,

further action will be taken, and for ensuring that this occurs.

5.6 Investigation

5.6.1 The President may decide that a grievance needs to be investigated at any stage of the grievance handling process.

5.6.2 If the President decides that a grievance needs to be investigated, they shall notify the parties in writing.

5.6.3 Prior to appointing an investigator, the President shall prepare written Terms of Reference for the investigation which shall include:

- a) a summary of the grievance including details of the parties and the allegations;
- b) any information or evidence which has already been collected in relation to the grievance;
- c) details of any steps already taken in an attempt to resolve the grievance;
- d) any implications of the grievance for SUPRA or any other party bound by these procedures;
- e) a description of what the investigator is required to do; for example, make findings on the facts, and/or make recommendations; and
- f) any other information considered relevant.

5.6.4 The investigator appointed by the President may conduct the investigation in any way they see fit, provided they do not breach any provisions in the SUPRA Policy Manual or any relevant University policies or the law.

5.6.5 Following the investigation, the investigator must provide a written report to the President which includes full details of their findings and/or recommendations, including any reasoning.

5.6.6 The President may obtain professional external advice in relation to the investigation of a grievance at any stage of the grievance handling process.

5.7 Handling of Investigation Findings

5.7.1 Upon receipt of the investigator's report, the President will prepare a written summary of the findings and/or recommendations for consideration by the executive.

5.7.2 The executive shall be responsible for determining what, if any, further action will be taken.

- 5.7.3 The executive shall provide a written statement of the outcome, with as much information as is considered appropriate, to the parties to the grievance.
- 5.7.4 The President will report the outcome of the grievance handling process to the Council, subject to the provisions of clause 3 of these procedures.

5.8 Possible Outcomes of a Grievance Process

- 5.8.1 The outcomes of a grievance handling process may include, but are not limited to:
- a) no further action being taken;
 - b) a party or parties being:
 - i) required to make either an oral or written apology to another party or parties;
 - ii) required to attend appropriate training and/or counselling;
 - iii) directed to cease or change behaviour;
 - iv) removed from the database of members; and/or
 - v) excluded from SUPRA spaces and/or events.
 - c) the matter being referred:
 - i) to formal mediation;
 - ii) for handling under another resolution process within the SUPRA Policy Manual or University policy; or
 - iii) to the University for further action.
 - d) recommendations being made to Council to:
 - i) issue a formal warning to a Councillor or Councillors;
 - ii) withdraw a Councillor or Councillors' voting rights in relation to a particular matter before Council or any SUPRA committee or subcommittee;
 - iii) remove a Councillor or Councillors from Council or any SUPRA committee or subcommittee; and/or
 - iv) undertake any other action.
-

NOTES

SUPRA Grievance Procedures

Date ratified by Council: 10 June 2016

Date commenced: 10 June 2016

Date last amended: 29 July 2021

Administrator: President, SUPRA

Review date: 29 July 2023

Amendment History

Dates amended:

1. 29 July 2021