

Co-op Society Grievance Resolution Policy and Procedure

Purpose

UNSW Co-op Society encourages individuals to raise grievances where they arise in line with this policy and procedure. Most grievances should be raised directly with UNSW Co-op Society and handled internally, and UNSW Co-op Society Executives should aim to deal with any complaints received in a prompt, sensitive, impartial, confidential and supportive way to seek a resolution and to prevent future conflict.

All parties should co-operate constructively in resolving matters. Complainants are encouraged to only use the formal procedure of UNSW Co-op Society where the matter has not been resolved through an informal dialogue.

Scope

These policies and procedures apply to current UNSW students and staff, and members of UNSW Co-op Society.

This policy and procedure is designed to be a guide only and does not purport to prescribe the actions required to handle every complaint/grievance within the spectrum of potential Club conflict. Accordingly, UNSW Co-op Society Executives are expected to use their discretion as to how particular grievances should be handled having regard to the circumstances, purpose and principles of this policy and procedure.

Additionally, grievances which should not be pursued by this procedure include:

- Disputes relating to matters beyond the control of UNSW Co-op Society e.g. inappropriate behaviour of attendees at an event near an activity run by UNSW Co-op Society

Definitions

Appeal: Where an individual wishes to dispute or challenge a decision that has been made by UNSW Co-op Society in relation to a grievance that has been raised through the formal procedure outlined in this policy.

Complaint: An objection or criticism that is raised about any incident relating to UNSW Co-op Society. A complaint may not need to be responded to by way of formal resolution but should always be acknowledged.

Complainant: A person who makes a complaint or raises a grievance who has experienced, and been affected by, a grievance-worthy event.

Grievance Officer: Is the UNSW Co-op Society Executive member whose role is to receive and handle formal grievances (as specified in the UNSW Co-op Society constitution). If this is not practicable or appropriate, another member of the UNSW Co-op Society Executive will act as the Grievance Officer on the complaint/grievance.

Grievance: Any complaint, concern, dispute or problem to do with UNSW Co-op Society, its activities and events and the behaviour of Club Executives when performing their Executive duties can be a grievance. Grievances can arise due to UNSW Co-op Society behaviours, acts, situations, omissions, or decisions, which complainant considers to be unfair or unjustified and requires addressing by UNSW Co-op Society and is raised in accordance with this policy and procedure.

Procedural Fairness: A fair and proper procedure must be used when making a decision. The basic rules of procedural fairness require:

- a person's right to be heard and to comment on allegations made against them;
- that an investigator make reasonable inquiry into matters in dispute;
- a lack of bias during the investigation; and the decision is supported by evidence/reasons.

Procedure

The following procedural steps are a guideline of the actions which can be taken once a grievance has been identified. However, UNSW Co-op Society Executives should be mindful of the individual circumstances of each case and act appropriately in response to these.

Informal Grievance Resolution

Self-Resolution

Where the individual complainant feels comfortable doing so, they should attempt to seek a resolution to the grievance themselves with the person/persons involved. The focus on self-resolution is to avoid escalation of grievances in the future, to produce a positive result for the maximum number of parties and to encourage a culture where honest and constructive dialogue is valued. UNSW Co-op Society does not condone behaviour which is contrary to these objectives, and therefore will not tolerate individuals behaving in a confrontational, aggressive or abusive way in the pursuit of addressing a Club grievance.

Informal grievance mechanisms may also include:

- UNSW Co-op Society Executives attempt to resolve the grievance through informal discussions with the complainant and the respondent;
- Internal mediation between parties; and
- Club Executives raising awareness in relation to appropriate behaviour.

Formal Grievance Resolution

Where an individual does not feel comfortable addressing a grievance with the person/persons involved directly, or where they have attempted to resolve the grievance themselves without success, they should report the grievance to the Grievance Officer of UNSW Co-op Society. If the complainant does not feel comfortable reporting the grievance to UNSW Co-op Society's Grievance Officer because the grievance directly involves them, or if they are unsatisfied with their response in the first instance, the complainant should report the grievance to another appropriate Club Executive.

Once a grievance has been raised with the Grievance Officer, the Grievance Officer will then determine how the grievance should be handled with regard to the steps set out below, or other appropriate measures which they think fit. This might include determining whether another more appropriate policy and procedure should be followed (e.g. UNSW Student Code of Conduct and UNSW Complaints) and whether any investigation(s) need to be conducted.

Where appropriate the Grievance Officer will make a decision on the resolution of the grievance. Where approval/agreement from the UNSW Co-op Society's Executive is required (e.g. agreement on changes to events or procedures), the Grievance Officer will make a recommendation to the UNSW Co-op Society Executive on how the grievance should be resolved. Where a decision is required from the UNSW Co-op Society Executive, the Executive should consider any conflicts of interest within the Executive and take steps to make an impartial decision (including receiving information from the Grievance Officer about any Club Executives that may be directly involved in the grievance).

The Grievance officer will communicate the outcome to all those involved.

When formally reporting the grievance to the Grievance Officer, the complainant will need to do the following:

- Set out their grievance in writing;
- Include full details of the grievance such as names, dates reasons for the grievance; and
- Detail the desired result of raising the grievance.

After reporting your grievance to the Grievance Officer, the Grievance Officer will follow the procedure below or one which is deemed relevant considering the circumstances.

Initial Steps

The Grievance Officer will follow up with the complainant within five (5) working days of the complaint being made, or as soon as practicable given the circumstances. Where practical this should be in person. The purpose of this follow-up includes:

- Determining the extent of the grievance and the desired outcome;
- Advising the complainant of this grievance policy and procedure (including requiring a grievance to be set out in writing if it has not already been submitted); and
- The Grievance Officer ascertaining the necessary steps to be taken in order to deal with and resolve the grievance, including whether or not the Grievance Officer is the appropriate person to handle the grievance (taking into consideration their ability to remain impartial during any grievance procedure and their ability to successfully handle the grievance process). If the Grievance Officer feels that they are unable to handle the procedure, then they must refer the grievance on to another person on the UNSW Co-op Society Executive.

Investigation

Where the Grievance Officer determines that the grievance requires further investigation, the following may occur:

- Interviews of relevant parties may be conducted;
- Individuals who are alleged to have caused the grievance will be notified of the allegations made against them;
- The opportunity afforded to respond to any allegations put to the person accused of causing the grievance, or being responsible for the actions leading to a grievance being made and time to prepare the response; and
- All relevant information, documentation and evidence to be considered by the Grievance Officer in order to make an accurate finding or recommendation as set out in 0.

If the outcomes of the investigation do not involve actions on any individual/s (but instead changes to how UNSW Co-op Society functions, e.g., updates to policies and procedures only), individuals involved in a grievance do not necessarily need to be notified or involved in the investigation.

If the Grievance Officer reasonably believes that it would benefit investigation to delay notifying a person involved in the investigation they may do so.

Any investigation resulting in actions on individual/s must include giving these individual/s adequate notice, information and opportunity to respond before outcomes are decided.

Procedural fairness

Any person involved in an investigation will be afforded the following:

- Adequate notice of any investigation or meeting (at least five (5) working days);
- That meetings are held in a reasonable location (e.g. reasonably private and easily accessible)
- Information about the allegations, the relevant facts and evidence;
- Time to consider their response (at least five (5) working days);
- An opportunity to respond to allegations;
- A fair and reasonable inquiry into the matters in dispute;
- An opportunity to have a support person present in any meeting where a request is made to the Grievance Officer; and
- A right of appeal.

Record keeping

At all times, details of all conversations and dates are to be recorded (in writing), and these may be shared with Arc, UNSW or law enforcement as required. These records must be kept secure and confidential

Victimisation

Where any actions taken resulting from the complaint, or the act of complaint itself breaches the UNSW Code, UNSW Co-op Society may report individuals to UNSW. This particularly includes individuals who are found to have victimised or retaliated against a complainant who has raised a grievance under this policy, or any individual who is found to have made false, vexatious or unsubstantiated complaints against another person under this policy.

Confidentiality and discretion

UNSW Co-op Society expects that all of those involved in any procedure under this policy maintain confidentiality of the identity of person(s) and the incident(s) alleged to have occurred to warrant a grievance being lodged. Where incidents are required to be reported to Arc, UNSW or the police, the complainant will be informed and upon request the report will be de-identified unless identification is required by law.

If the Grievance Officer is of the reasonable opinion that it is not appropriate to notify the complainant before reporting to Arc, UNSW or the police, this notification can be withheld but the Grievance Officer must let the organisation/s receiving the report that this notification was not given to the complainant.

Any breaches of confidentiality will be taken seriously and may result in a complaint being lodged with UNSW.

Appeal / Review of decisions

Internal Appeals procedure

If you are unhappy about the way the grievance has been handled, you can refer the matter to the UNSW Co-op Society President for review (or other UNSW Co-op Society Executive member if the UNSW Co-op Society President is involved in the grievance or grievance handling). The appeal needs to be submitted within five (5) working days of receiving notification of the outcome of the formal grievance and must specify the reasons for the appeal (e.g. why the original decision was incorrect based on a lack of procedural fairness).

Once notified, they will select 2 other Club Executives (taking into consideration any conflicts of interest) and together conduct a review of the procedure followed, the outcome issued and make UNSW Co-op Society's final determination on the issue. Once this determination is made, the person who has made the appeal will be notified of the outcome.

Grievances or Appeals to Arc or UNSW

In certain circumstances, grievances with Arc-affiliated Clubs or appeals/reviews of decisions can be made to Arc. Wherever possible, the formal and informal procedures outlined in this policy should be followed before raising a grievance or appeal with Arc. For further information on Arc's Clubs Grievance Policies & Procedures, contact Arc Clubs (clubs@arc.unsw.edu.au // 9385 9840).

Matters involving grievance and dispute resolution between individual Club members, or between Club members and a member of the Executive where the Executive is not acting in their official capacity on behalf of UNSW Co-op Society should be resolved under the UNSW Complaints Procedure.