University Behaviour Procedure

Related Policy  University Behaviour Policy
Responsible Officer  Executive Director, Human Resources
Approved by  Executive Director, Human Resources
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CONTENTS

1 Objective ................................................................................................................................. 2
2 Scope ......................................................................................................................................... 2
3 Procedure ................................................................................................................................. 2
3.1 Complaints Procedure Generally .......................................................................................... 2
3.2 Stage 1 – Advice .................................................................................................................... 2
3.3 Stage 2 – Informal Resolution ............................................................................................... 3
3.3.1 Self-Resolution ................................................................................................................ 3
3.3.2 Informal Internal Process ................................................................................................. 3
3.4 Stage 2 – Mediation .............................................................................................................. 3
3.5 Stage 3 – Investigation and Determination ........................................................................... 4
3.5.1 Step 1 – Lodging a Complaint .......................................................................................... 4
3.5.2 Step 2 – Initial Response .................................................................................................. 4
3.5.3 Step 3 – Investigation ...................................................................................................... 5
3.5.4 Step 4 – Investigation Findings ......................................................................................... 5
3.5.5 Step 5 – Outcomes ........................................................................................................... 5
3.5.6 Step 6 – Post Outcome .................................................................................................... 6
3.6 Complaints to External Tribunals .......................................................................................... 6
3.7 University Behaviour Contact Officers .................................................................................. 6
3.8 Other Assistance ................................................................................................................... 6
3.9 Training and Provision of Information to University Staff .................................................. 7
4 Supporting Documentation ...................................................................................................... 7
5 Versioning ............................................................................................................................... 7
1 Objective

The objective of this procedure is to assist in the prompt, confidential and effective resolution of complaints of inappropriate behaviour so as to ensure that the University provides a safe and inclusive working, teaching and learning environment.

Inappropriate behaviour, including bullying, harassment and discrimination, is defined in the University Behaviour Policy.

2 Scope

This procedure applies to all staff and agents engaged in activities reasonably connected to the University.

Complaints regarding students will be considered under Ordinance 9 – Student Discipline.

3 Procedure

3.1 Complaints Procedure Generally

Any employee or agent of the University who believes that they have been subject to conduct amounting to inappropriate behaviour may make a complaint under the University Behaviour Policy.

An employee with a complaint may:

- seek advice (Stage 1 – Advice)
- seek to resolve the matter informally (Stage 2 – Informal Resolution)
- lodge a written complaint and request conciliation (Stage 2 – Mediation)
- request investigation by the University (Stage 3 – Investigation, and Determination).

Generally, the complainant will direct the progress of the complaint through this procedure sequentially. However, the complainant does have the right to request that the complaint be progressed to a later stage at any time. Additionally, in some circumstances where the allegations are of a sufficiently serious nature, the University may decide to have the matter investigated beyond that which the complainant intends or wishes.

3.2 Stage 1 – Advice

Employees with concerns regarding inappropriate behavior are encouraged to seek advice prior to taking any action. Advice can be sought from:

- a University Behaviour Contact Officer
- the employee’s supervisor
- the employee’s Head of School/Section, or
• Human Resources.

Advice may include:

• Providing information about the University Behaviour Policy and Procedure
• Advising of their rights under the Policy and relevant legislation, and
• Advising of the options and exploring strategies available to have the matter resolved.

After seeking advice, the complainant may seek informal resolution of their complaint through self-resolution or by requesting a suitable person speak to the respondent on their behalf.

3.3 Stage 2 – Informal Resolution

Where appropriate, attempts may be made to resolve complaints of inappropriate behavior informally. Informal resolution is focused on understanding and resolution rather than proving whether inappropriate behavior actually occurred. It is therefore much more likely to achieve a satisfactory outcome.

3.3.1 Self-Resolution

If practical and safe to do so, it is recommended that the issue is raised informally and directly with the other person involved. Advising the person of the matter may give them a chance to consider their actions or behaviour and reduces the possibility of issues progressing past this stage.

This discussion should be held in a neutral and private location and should focus on identifying the negative behaviour and the effect that it is having. The discussion should not be used to place blame or argue.

3.3.2 Informal Internal Process

Where self-management is either inappropriate or ineffective, the matter can be raised with an appropriate person within the University for assistance in resolving the matter informally.

A suitable person (appointed by the Executive Director, Human Resources or delegate) who has been asked to speak to the respondent on behalf of the complainant should, after seeking advice from Human Resources, convey to the respondent the complainant’s concerns and reiterate the University Behaviour Policy without assessing the merits of the matter. They may also (if necessary) suggest practical steps to ensure as far as reasonably possible, that the alleged behaviour does not reoccur.

3.4 Stage 2 – Mediation

Where informal resolution is either inappropriate or has proved ineffective, the complainant may seek to have the matter resolved through mediation.
In order for the matter to be managed through mediation, the complainant should provide a brief summary of the incidents, either verbally or in writing, that is the basis of their complaint to their supervisor, Head of School/Section or Human Resources.

Upon receipt of the complaint, the University will review the complaint and any related documentation and:

- if it is determined that mediation is appropriate, invite the parties to participate in mediation, or
- if it is determined that mediation is not appropriate, discuss further options with the complainant.

Mediation will only occur if both parties agree to it voluntarily. Where the parties have been invited to participate in mediation, the respondent will be provided with the opportunity to seek advice prior to the mediation.

The role of the mediator is not to investigate or make formal findings but to assist the parties to reach a mutually agreeable resolution.

3.5 Stage 3 – Investigation and Determination

Where a complaint has failed to be resolved informally, or the complainant wishes to have a complaint resolved formally in the first instance, they may choose to lodge a formal complaint.

3.5.1 Step 1 – Lodging a Complaint

The particulars of a complaint should be submitted in writing to the Head of School/Section who has responsibility in relation to the employee, student or agent who is alleged to have acted inappropriately. Alternatively, the written complaint can, in the case of alleged conduct by an employee or agent, be provided to the Executive Director, Human Resources (or delegate).

The written complaint should contain as much information as possible to aid in the investigation. Where possible, this should include:

- who the person(s) are who are alleged to have behaved inappropriately
- clear details of the alleged inappropriate behaviour and circumstances surrounding the incident(s)
- the date and time the inappropriate behaviour occurred
- the location the inappropriate behaviour took place
- any witnesses to the inappropriate behaviour, and
- what strategies, if any, have already been tried to resolve the issue.

3.5.2 Step 2 – Initial Response

Once the written complaint is received, an appropriate University delegate will meet with the complainant as soon as practicable to discuss their complaint, explain the formal investigation process and inform them of their rights and responsibilities.
3.5.3 Step 3 – Investigation

Following the initial response a University delegate (the investigator) may conduct an investigation following the principles of procedural fairness. This may include discussing the complaint with the person alleged to have acted inappropriately, communicating with witnesses or seeking other evidence to clarify facts.

3.5.4 Step 4 – Investigation Findings

The investigator shall produce a report which:

- evaluates all evidence obtained and make findings of fact relating to the allegation(s) and relevant event(s)
- contains findings as to whether, on the balance of probabilities, having regard to the information obtained during the investigation, the seriousness of the allegation(s) and the particular facts of the matter(s):
  - the allegation(s) are proven or not
  - there are further allegation(s), not particularised in the initial complaint
  - there are any risks not particularised in the complaint that the University should consider addressing
- Provides recommendations as to whether further investigation(s) or other process(es) may be required
- Determines whether there has been a breach of any relevant contract, University policy or legislation, and
- Determines whether the complaint was malicious, frivolous or vexatious.

This report shall be provided to the Executive Director, Human Resources (or delegate) for consideration.

3.5.5 Step 5 – Outcomes

The Executive Director, Human Resources (or delegate) will consider the investigation report and determine appropriate outcomes depending on the adoption or otherwise of the investigation findings.

Outcomes from an investigation may include, but are not limited to, one or more of the following, as considered appropriate in the circumstances:

- Find that the complaint was not substantiated
- Find that the complaint was substantiated or substantiated in part
- Recommend that disciplinary action be taken against an employee in accordance with the University of Tasmania Staff Agreement
- Gain commitment to cease the inappropriate workplace behaviour
- Provide training to an individual or group
- Provide coaching, counselling support and/or mentoring
- Mediation
- Remedial actions for any person adversely affected
- Structured program to reintegrate affected persons into the workplace
- Amend work arrangements (including moving relevant workers away from each other, and/or
• Any other relevant action.

The Executive Director Human resources (or delegate) will inform the complainant and respondent of the findings and relevant outcomes of the investigation.

3.5.6 Step 6 – Post Outcome

A follow-up review may occur in a manner determined to be appropriate in the circumstances. A follow-up review is designed to ensure the wellbeing of the parties involved and that actions taken to stop the inappropriate behaviour have been effective.

3.6 Complaints to External Tribunals

Where the person chooses to make a formal complaint to an external tribunal, such as the Tasmanian Anti-Discrimination Commission or the Fair Work Commission, consideration of a complaint made under this procedure may be suspended pending the outcome of that external action.

3.7 University Behaviour Contact Officers

The University appoints and appropriately trains University Behaviour Contact Officers.

The role of a University Behaviour Contact Officer is to:

• Act as a first point of contact for employees wanting to make enquiries, who have an inappropriate workplace behaviour complaint or who simply want to discuss concerns
• Provide appropriate support to members of the University community who may have experienced inappropriate workplace behaviour or who believe an allegation of inappropriate workplace behaviour may have been made against them, or who believe they have been victimised as a result of taking action under this procedure
• Provide advice and information on this procedure and its related policy so as to enable a complainant to make an informed choice as to how to deal with their matter of concern through:
  – Treating all complaints seriously and listening with respect and empathy
  – Explaining what constitutes, discrimination, bullying, harassment and other inappropriate workplace behaviour
  – Identifying the nature of the complaint and advising about both internal and external avenues for dealing with the complaint, and
  – Providing advice on the possible stages in dealing with the complaint
• Document the procedure adopted and outcome, and
• Maintain appropriate confidentiality at all times.

Contact details for University Behaviour Contact Officers are available on the University Human Resources website.

3.8 Other Assistance
In addition to being able to seek advice and assistance from Contact Officers, employees and students may also seek advice and assistance from their Union or from other persons qualified to give advice and assistance.

3.9 Training and Provision of Information to University Staff

The University provides an on-line anti-discrimination course (Fair Play on Campus), available through the Human Resources Website, which is specifically designed for application in the Australian university environment.

It is a requirement for newly appointed employees and all newly-appointed Heads of Budget Centre to complete this course. All Heads of Budget Centre are required to complete the course at least once every three years.

4 Supporting Documentation

- University Behaviour Policy
- Ordinance 9 – Student Discipline
- University Behaviour Contact Officers – Listing
- EO Online
- Records Management Policy and Guidelines

5 Versioning

<table>
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<tr>
<th>Former Version(s)</th>
<th>Version 1</th>
<th>Harassment and Discrimination Procedure; approved May, 2007</th>
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<tr>
<td>Version 2</td>
<td>Harassment, Bullying and Discrimination Procedure; approved February, 2011</td>
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<tr>
<td>Current Version</td>
<td>Version 3</td>
<td>University Behaviour Procedure; approved December, 2015</td>
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