



Context and Purpose

This Procedure provides a framework to assist the University in resolving staff grievances of unlawful discrimination and harassment. Founded on the principles of natural justice and procedural fairness, this Procedure supports the University's commitment to eliminating unlawful discrimination, workplace bullying, and victimisation at the University.

Consistent with the relevant legislation and good business practice, this Procedure uses education and conciliation as the principal approach to the elimination of unlawful discrimination, workplace bullying and victimisation, and in the resolution of grievances.

This Procedure is designed to assist in the resolution of grievances by:

- > Providing a consistent and transparent process for managing grievances.
- > Encouraging Complainants to lodge grievances as soon as possible after the alleged event(s).
- > Ensuring every grievance is clearly defined.
- > Investigating and dealing with grievances promptly.

Scope

This Procedure applies to staff grievances of unlawful discrimination or workplace bullying in relation to undertaking work activity for the University. Staff lodge a grievance under this Procedure if they believe they have been:

- > Discriminated against or harassed on the grounds of race, sex, sexual orientation, breastfeeding, gender identity, intersex status, age, marital status, pregnancy, family or carer's responsibilities, disability, political opinion, religion, social origin and national extraction.
- > Bullied in the workplace.
- > Harassed by a student(s) or staff member(s).
- > Victimised for lodging a complaint or being involved in a grievance process under this Procedure.

If unlawful discrimination or workplace bullying is experienced by staff seconded to, or undertaking placement in, another organisation, the University will assist the staff member, as far as possible, to work with the other organisation to enable appropriate interventions and/or resolutions.

This Procedure does not cover grievances relating to a performance issue, misconduct, or fraud related incidents.

If the terms of this Procedure are inconsistent with the terms of other relevant University policies, procedures or guidelines, the terms of this Procedure will apply.

Responsibility

Executive Director: People, Talent and Culture

It is the responsibility of the Executive Director: People, Talent and Culture (ED: PTC), as the Responsible Officer for this Procedure, to:

- > Develop and implement strategies, in consultation with University leadership, to facilitate the elimination and prevention of unlawful discrimination and workplace bullying, including strategies aimed at raising awareness of this Procedure.
- > Maintain a network of trained Equity Contacts.
- > Authorise appropriately trained staff, or appropriately qualified external parties, to act as a Conciliator under this Procedure.

- > Maintain confidential records of unlawful discrimination and/or workplace bullying grievances lodged in accordance with this Procedure.
- > Monitor and review the implementation of this Procedure.

Line Managers and Supervisors

- > Ensure their staff, and anyone they engage to provide a service for the University, are aware of this Procedure, and as far as is practical adhere to this Procedure.
- > Inform staff there is no place for unlawful discrimination and workplace bullying at the University.
- > Arrange and/or support staff development initiatives targeted at raising awareness of diversity, inclusion and equal opportunity, and this Procedure.
- > Role model behaviour and conduct in line with the principles of the policies and the Code of Conduct underpinning this Procedure.
- > Provide support for the work of Equity Contacts.
- > Participate in the investigation and/or conciliation process when legitimately required.
- > Take prompt and responsible action to address complaints of victimisation.
- > In instances where a line manager/supervisor observes behaviour that could constitute unlawful discrimination and/or workplace bullying they are required to advise the person(s) involved that the behaviour could give offence and that the behaviour should cease immediately. Subsequently the behaviour will be monitored, and further action will be taken in accordance with this Procedure should the behaviour continue.
- > In instances where a line manager/supervisor is made aware by a third party that unlawful discrimination and/or workplace bullying may be occurring they should observe and monitor the behaviour and/or seek advice from [People Central](#).

Staff Members

- > Staff are responsible for ensuring they behave in a manner that supports a workplace free of unlawful discrimination and workplace bullying. This includes using inclusive and respectful language and ensuring they do not engage in any unlawful behaviour or acts that will result in less favourable treatment of any individual or group.
- > Staff must respect the rights of the Complainant and Respondent in line with natural justice and procedural fairness.
- > Staff must not victimise any person associated with a grievance.
- > Staff must fulfil the responsibilities required by this Procedure to ensure they are not personally liable for any damages.

Equity Contacts

- > [Equity Contacts](#) act as a first point of contact for advice related to this Procedure, including options for resolving the grievance. It is not their role to investigate or conciliate unlawful discrimination and workplace bullying grievances.
- > Equity Contacts may act in an ongoing support role in the resolution of the grievance if requested by the Complainant. Support provided by an Equity Contact may involve:
 - Assisting staff to work through the advantages and disadvantages of the different options available to resolve their concerns in a sensitive and confidential manner.
 - Advising and assisting staff to personally resolve the problem including being present, if asked, when the Complainant approaches the Respondent about the behaviour that has led to the grievance.
 - Being prepared to support Complainants if the issue is progressed beyond the informal advice stage.
- > Equity Contacts have the right to withdraw as a support person if there is a conflict of interest, or if they are not comfortable continuing to provide the requested support.

Conciliators

The principal functions of a Conciliator will be to:

- > Facilitate communication between the Complainant and Respondent.
- > Attempt to achieve a resolution that is mutually agreed by the parties involved.
- > Conduct investigation and conciliation processes in accordance with this Procedure.
- > Provide information on alternative options if the grievance remains unresolved.

A University staff member who fulfills a role in accordance with this Procedure, either in the normal course of that person's activities or under specific delegation, will be indemnified by the University against any loss or damage arising as a result of any legal action taken against that person.

Indemnity

A member of the University acting on behalf of the University according to this Procedure, either in the normal course of that person's activities or under specific delegation, will be indemnified by the University against any loss or damage arising as a result of any legal action taken against that person.

Definitions

Age discrimination

Age discrimination means the unfair treatment of a person on the basis of their age or age group.

Age discrimination often occurs because of incorrect assumptions or stereotypes about people's skills, abilities, personal qualities or needs based on how old or young they are.

Balance of probability

For an allegation to be proved on the balance of probability it must be shown that in the light of available evidence, it is more likely than not that the allegation is true.

Breastfeeding

Includes bottlefeeding an infant.

Complainant

A person who has lodged a grievance of unlawful discrimination and/or workplace bullying under this Procedure.

Conciliation

A process that enables the Complainant and Respondent to fully discuss all issues relating to the grievance and, if possible, reach resolution of the grievance through negotiation.

Disability

Under the Disability Discrimination Act 1992, disability means: the total or partial loss of a person's bodily or mental functions; or total or partial loss of a part of the body; or the presence in the body of organisms causing disease or illness; or the presence in the body of organisms capable of causing disease or illness; or the malfunction, malformation or disfigurement of a part of a person's body; or a disorder or malfunction that results in a person learning differently from a person without the disorder or malfunction; or a disorder, illness, or disease that affects a person's thought processes, perception of reality, emotions or judgement, or that results in disturbed behaviour; and includes a disability that: presently exists; or previously existed but no longer exists; or may exist in the future (including because of a genetic predisposition to that disability; or is imputed to a person.

Discrimination

Unlawful discrimination means treating an individual and/or group unfairly because of protected attributes specified in the relevant legislation.

Equal opportunity

Equal opportunity means treating people as individuals with different skills and abilities, without making judgements based on stereotypes, or on characteristics as outlined in anti-discrimination legislation.

Family or carer's responsibilities

The responsibilities of a person to care for and/or support a dependent child or another immediate family member who needs care or support.

Gender identity

Refers to the gender-related identity, appearance, or mannerisms or other gender-related characteristics of a person (whether by way of medical intervention or not), with or without regard to the person's designated sex at birth.

Harassment

Unwelcome behaviour or language, and/or treating an individual less favourably, that has the effect of offending, intimidating or humiliating an individual on the basis of their attributes such as sex, race, disability or age, in circumstances which a reasonable person, having regard to all the circumstances, would have anticipated that the person harassed would be offended, humiliated or intimidated.

Marital status

Refers to being single, married, separated, divorced, widowed, or living together with a partner.

National extraction

Refers to both the nation and the nationality of an individual, either by birth or by self and community identification.

Natural justice

A due process that displays fairness to all parties. It includes the right to be heard, the right of reply, the right to be treated fairly and the right to be informed of allegation(s) being made.

Political opinion

Political opinion includes membership of a political party; expressed political, socio-political, or moral attitudes; or civic commitment.

Pregnancy

Refers to presumed or actual pregnancy, or potential pregnancy.

Race

Refers to nationality (current, past or proposed), country of origin, colour, or ancestry of a person.

Racism

Discriminatory attitudes, beliefs, behaviour, distinctions, exclusions, restrictions or preferences that are based on presumptions about a group or person's race (see definition of 'race' above).

Respondent

The person who is, or each of the persons who are, alleged to have done the act(s) to which the grievance relates.

Religion

Refers to the expression of religious beliefs or membership in a religious group and includes people who do not ascribe to a particular religious belief or are atheists.

Sex

An individual's sex is based on their sex characteristics. An individual's sex can change over their lifetime and may differ from their sex recorded at birth. This definition is inclusive of intersex status.

Sexual harassment

Unwelcome sexual advance or request for sexual favours or conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated where a reasonable person would anticipate the possibility of that reaction in the circumstances.

Sexual orientation

Refers to an individual's sexual orientation towards persons of the same sex, persons of a different sex, or persons of the same sex and persons of a different sex.

Social origin

Social origin includes social class, socio-occupational category and hereditary social group.

Victimisation

Treating an individual unfavourably or subjecting them to any other detriment (by any other person or group) because the individual has in good faith:

- > Lodged a grievance or proposed to lodge a grievance in accordance with this Procedure.
- > Made allegations that a person has been subjected to behaviour that contravenes this Procedure.
- > Proposed to or provided evidence or information in accordance with this Procedure.
- > Proposed to act or acted in accordance with or by reference to this Procedure.

Workplace bullying

Workplace bullying involves the repeated unreasonable ill treatment of a person or group by another or others, and the behaviour creates a risk to health and safety. It is a form of harassment and discrimination consisting of offensive, abusive, belittling or threatening behaviour directed at an individual or a group in the workplace.

Procedure

A. General Requirements

1. Grievances under this Procedure should be made as soon as possible but not later than 12 months after the alleged incident(s) occurred.
2. The Complainant will be advised that at any stage of the grievance process, they may refer their grievance to an appropriate external agency. If the Respondent has been notified of the grievance, the Respondent will be made aware of the Complainant's right to proceed in this manner.
3. Where a grievance is referred to and pursued through an external agency, including the Commissioner for Equal Opportunity, Australian Human Rights Commission, or Ombudsman SA, it will cease to be managed in accordance with this Procedure.
4. Another person may approach an [Equity Contact](#) for advice on behalf of the Complainant, but only grievances received from the Complainant (not by others on their behalf) will be conciliated and/or investigated.
5. The Complainant may decide to withdraw their grievance at any stage of this Procedure. In this event, the Complainant will be required to detail their intention to withdraw their grievance in writing to the Conciliator.

If the Respondent has been notified of the grievance, the Conciliator will immediately notify the Respondent that the grievance has been withdrawn.

6. A Complainant's decision to withdraw their grievance does not limit the University's requirement to manage any workplace issues arising in connection with the grievance in accordance with the relevant policy, procedure, guideline and/or the applicable Enterprise Agreement.
7. At any stage of this Procedure, a Complainant and/or a Respondent may choose to be supported by a friend, family member, or union representative. The support person must comply with this Procedure's confidentiality requirements and cannot be a University staff member with any involvement in the reported incident/s. As this Procedure is aimed at achieving conciliation, the support person should not be acting in a legal capacity. If the support person is acting in a legal capacity, the University reserves the right not to proceed further, or to exercise a general discretion as to how the matter will be dealt with.
8. Where the grievance may involve criminal proceedings, the Complainant will be advised by the Conciliator that the matter should be taken up with the Police.
9. The above are general procedural requirements and the University reserves a discretion to act at variance from these requirements in particular cases.

B. Grievance

10. There are three (3) main stages in this Procedure. Generally, these stages will be undertaken in progression unless the nature of the individual grievance, or the wish of the Complainant determines otherwise.
11. Progression to a further stage occurs only if resolution is not achieved and the Complainant wishes to proceed to a further stage.

Stage 1: Informal Advice

12. A person seeking information on an incident(s) that may constitute unlawful discrimination and/or workplace bullying should first obtain advice from an [Equity Contact](#), their line manager, or [People Central](#).
13. Stage 1 is to provide the Complainant with the advice and knowledge necessary to take action to deal with the situation personally. The Complainant should only take the action(s) below if they are appropriate to the circumstances and the Complainant feels confident to undertake the action(s):
 - 13.1. approach the Respondent in private to explain the negative effect of the behaviour and request the behaviour stop;
 - 13.2. write a confidential letter to the Respondent setting out the negative effect of the behaviour and request the behaviour stop; and/or
 - 13.3. request the ED: PTC consider whether it would be appropriate to provide a general information session, or other information, to a work team or group of students about the nature and effects of unlawful discrimination and/or workplace bullying. The session would also include information about relevant University policies and codes.
14. If no resolution occurs at Stage 1, the Complainant in discussion with the ED: PTC (or nominee) may choose one of the following options:
 - 14.1. not to proceed further under this Procedure;
 - 14.2. proceed to Stage 2: Informal Conciliation;
 - 14.3. proceed to Stage 3: Formal Investigation; or
 - 14.4. not to proceed under this Procedure and to refer their grievance to an appropriate external agency.

Stage 2: Informal Conciliation

15. The Complainant will be advised the purpose of Informal Conciliation is to resolve the grievance, not to seek retribution.
16. Where the Complainant does not agree to make their identity known, the Complainant may request the Conciliator approach the Respondent on their behalf. Where such an approach can be undertaken in a manner that provides sufficient information to the Respondent without compromising the request for

anonymity, the Conciliator will advise the Respondent of the nature of the grievance. The Conciliator will explain the effect of the behaviour, discuss the matter with the Respondent, and remind the Respondent of the Equal Opportunity Policy and other relevant policies and codes without assessing the merits of the grievance. No further action will be taken, but the situation will be monitored by an appropriate staff member identified by the ED: PTC.

17. Where the Complainant agrees to make their identity known to the Respondent, the Complainant may request the Conciliator approach the Respondent on their behalf. The Conciliator will advise the Respondent of the nature of the Complainant's grievance and disclose the Complainant's identity. The Conciliator will explain the effect of the behaviour, discuss the matter with the Respondent, and remind the Respondent of the Equal Opportunity Policy and other relevant policies and codes without assessing the merits of the grievance. The Conciliator will also obtain the Respondent's version of the incident(s).
18. The Complainant may request the Conciliator arrange a meeting at which the Complainant and the Respondent can attempt conciliation in the presence of the Conciliator.
19. Further conciliation meetings will take place if necessary and by agreement of all parties.
20. If resolution is achieved the Conciliator may suggest appropriate follow-up actions to monitor the situation.
21. If no resolution occurs, the Complainant in discussion with the ED: PTC (or nominee) may choose one of the following options:
 - 21.1. not to proceed further under this Procedure;
 - 21.2. proceed to Stage 3: Formal Investigation; or
 - 21.3. not to proceed under this Procedure and to refer their grievance to an appropriate external agency.

Stage 3: Formal Investigation

22. Formal investigation of an incident(s) requires the Complainant to detail the specific nature of their grievance in writing and should include relevant documents or details of witnesses that may support the allegations.
23. Written details of the Complainant's grievance must be specific, as the Respondent has the right to know exactly what the allegation(s) is.
24. Investigation will not proceed unless the Complainant consents to their identity being known to the Respondent.
25. The Formal Investigation will normally be conducted by the Conciliator unless determined otherwise by the ED: PTC.
26. The Complainant, the Respondent and any support people will be informed of the requirement for confidentiality.
27. The purpose of the Formal Investigation is to elicit facts.
28. The Conciliator will investigate the grievance, acting at all times to make appropriate allowance for the rights and concerns of both the Complainant and the Respondent in line with the principles of natural justice, and in accordance with this Procedure.
29. The Conciliator will approach the investigation with neutrality and in recognition of the right of both parties to a fair hearing. It is the responsibility of the Conciliator to withdraw from the process if their neutrality is compromised.
30. The Respondent will be advised of the:
 - 30.1. allegation(s) and the intention and purpose of the investigation process, i.e. conciliation.
 - 30.2. this Procedure;
 - 30.3. possible implications of relevant state and federal legislation;
 - 30.4. availability of counselling support through the Employee Assistance Program; and
 - 30.5. possible outcome(s) if an allegation of unlawful discrimination and/or workplace bullying is substantiated.

31. The Conciliator will consult with the Respondent regarding their response to the grievance. In the interests of natural justice, the Respondent must be allowed reasonable time to provide a considered response to the allegation(s), normally 10 working days from them being notified of the allegation(s).
32. If there is disagreement of fact, witnesses who have been appropriately cautioned about confidentiality may also be interviewed. The Conciliator will not disclose unnecessary information to any witnesses.
33. Information gathered during the investigation will be documented by the Conciliator and together with other written statements and material will be used by the Conciliator to test the substance of the allegation(s). The evidence may not be conclusive, but it should be able to determine whether the allegation(s) is substantiated on the balance of probability.
34. If after investigation, the allegation(s) is not substantiated, the Complainant and Respondent will be advised the grievance will not proceed further.
35. If after investigation the allegation(s) is substantiated (in whole or in part), the Complainant and Respondent will be advised the grievance will proceed to formal conciliation, if agreed to by both parties.
36. The Conciliator that undertook the investigation may be appointed to undertake formal conciliation unless both parties believe an alternative Conciliator would be of benefit, or only agree to participate with an alternative Conciliator. A request can be made to the ED: PTC to appoint an alternative Conciliator. The ED: PTC will consider the request, and inform both parties of the outcome, and where approved, will appoint an alternative Conciliator.
37. Following formal conciliation, the appointed Conciliator will provide an outcome report to the ED: PTC, including any agreed actions.
38. If resolution is achieved, the University will support any agreed actions as far as is possible and appropriate, and will monitor their implementation.
39. If resolution is not achieved, and/or formal conciliation is not agreed to, and the investigation has substantiated the allegation(s) on the balance of probability (in whole or in part):
 - 39.1. If the ED: PTC is satisfied that all reasonable avenues for resolution have been explored, and the Complainant wishes to pursue the grievance, then the matter will be referred to the Vice Chancellor for formal determination under Stage 4; or
 - 39.2. If the ED: PTC believes the behaviour warrants disciplinary action, then with the consent of the Complainant the matter will be referred to the Vice Chancellor requesting disciplinary action be considered in accordance with the Agreement and Part C of this Procedure. Where consent is not provided, yet the ED: PTC determines the University has an obligation to progress the matter, it will be referred to the Vice Chancellor.

Stage 4: Formal Determination

40. In referring the grievance to the Vice Chancellor for formal determination, the ED: PTC will make available all details of the grievance, the Respondent's reply, investigation findings, and actions undertaken in attempting Formal Conciliation.
41. In determining the outcome of the grievance, the Vice Chancellor may:
 - 41.1. determine the matter based on documentation provided by the ED: PTC;
 - 41.2. convene a special committee empowered to determine the matter;
 - 41.3. The committee may determine the grievance based on documentation provided by the Conciliator and in addition may call on the Complainant, Respondent, Conciliator and Witnesses for clarification if necessary. The committee will comprise the Vice Chancellor (or nominee) [who will chair the committee], the ED: PTC (or nominee), and the Deputy Vice Chancellor: Research and Enterprise (or nominee) [if the Respondent is a student]; or
 - 41.4. act on the Conciliator's recommendation to invoke disciplinary action in accordance with the Agreement and part F of this Procedure.
42. If the Vice Chancellor determines the grievance is satisfactorily resolved, subsequent monitoring may be delegated to the ED: PTC and/or head of the relevant Unit(s) in which the Complainant and Respondent are employed.

43. If the Vice Chancellor determines the grievance is substantiated on the balance of probabilities, then the Vice Chancellor will:
 - 43.1. take action to protect the Complainant from victimisation for lodging the grievance;
 - 43.2. take action to protect the Respondent from victimisation;
 - 43.3. direct that the Respondent undertakes appropriate counselling;
 - 43.4. initiate disciplinary action in accordance with the Agreement and Part C of this Procedure; and
 - 43.5. take other action as deemed appropriate.
44. If after consideration the Vice Chancellor believes the grievance is not substantiated (in whole or in part) but has been made in good faith, then the grievance will be closed. In this event, the Vice Chancellor will act to ensure the Complainant and Respondent are not subjected to victimisation or any retaliatory action.
45. If the grievance is not resolved by the University to the satisfaction of the Complainant, the Complainant will be advised may refer their grievance to an appropriate external agency.

C. Disciplinary Action

46. Grievances will be referred to the Vice Chancellor for disciplinary action if, at any stage after the grievance has been investigated, the ED: PTC determines:
 - 46.1. the alleged behaviour constitutes misconduct and/or serious misconduct; or
 - 46.2. the grievance is vexatious or dishonest; or
 - 46.3. the grievance is found to be substantiated (in whole or in part) in relation to an individual who has previously agreed not to engage in the offending behaviour; or
 - 46.4. the Complainant or Respondent have been victimised subsequent to the lodgement of the grievance of unlawful discrimination and/or workplace bullying,
 - 46.5. disciplinary action will be taken in accordance with the Agreement or Senior Staff Employment Conditions Policy.

D. Confidentiality

47. The parties to a grievance should act in good faith, retain confidentiality, and limit the advice/investigation/conciliation to specific matters related to the grievance.
48. Equity Contacts must maintain appropriate confidentiality with respect to information disclosed to them regarding allegations of unlawful discrimination and/or workplace bullying.
49. Staff who provide or access information relating to any grievance are responsible for ensuring appropriate confidentiality of the information is maintained.
50. Line managers/supervisors, including Executive Directors and other senior staff, must maintain appropriate confidentiality of all matters pertaining to the grievance.
51. Maintaining confidentiality is to ensure any information provided under this Procedure is only disclosed to those legitimately involved in resolving the grievance, or as required by law.
52. Confidentiality must be maintained to:
 - 52.1. Prevent victimisation or defamation of the parties involved.
 - 52.2. Facilitate prompt resolution of the grievance.
53. It is a breach of confidentiality to:
 - 53.1. Discuss the matter with colleagues not legitimately involved in the process.
 - 53.2. Unnecessarily disclose information pertaining to any enquiry or grievance.

E. Defamation

54. The University is potentially liable in defamation actions arising out of unlawful discrimination and/or workplace bullying grievances. It is important to keep the risk of defamation to a minimum by ensuring only those who need to be involved in the resolution of the grievance deal with the grievance.
55. Those involved in cases of unlawful discrimination and/or workplace bullying should note that:
 - 55.1. it is not defamatory for a Complainant to approach a Respondent in private or to send them a letter that is marked confidential outlining their grievance;
 - 55.2. defamation action could arise when the Complainant communicates the grievance to anyone other than the Respondent and anyone other than those who have a legitimate role in the resolution process; and
 - 55.3. Conciliators, Equity Contacts, or others involved in the resolution process should act within their role and in accordance with the University's procedures to be afforded the relevant protection.

F. Vicarious Liability

56. State and federal legislation provide that the University can be found vicariously liable for the unlawful discrimination and/or workplace bullying of others by its staff. State and federal legislation also provide that the University may be found vicariously liable for the unlawful discrimination and/or workplace bullying of others by its agents. In these procedures, the term 'agent' is deemed to mean:
 - 56.1. students
 - 56.2. individuals engaged to provide a service for the University
 - 56.3. persons seeking to study or work in the University
 - 56.4. volunteers and adjuncts.
57. As one defence against any finding of vicarious liability, the University will fulfil its commitment to educating members of the University community as to the nature and effects of unlawful discrimination and/or workplace bullying and informing them of their rights and responsibilities with respect to this Procedure.
58. In the event of a formal grievance being lodged under state or federal legislation and the University being required to pay any sum, the sum will be paid initially by the University, to be recovered from the relevant cost centre at the discretion of the Vice Chancellor.
59. Staff who fail to fulfil the responsibilities required by this Procedure may find themselves personally liable for damages.

G. Addressing Victimisation

60. For grievances to be brought forward, Complainants must feel secure in the knowledge that the University's procedures will be followed without fear of retribution.
61. Under state and federal legislation, it is unlawful to subject a person who has lodged a grievance of unlawful discrimination and/or workplace bullying to victimisation.
62. The University offers protection and support for all individuals who either lodge a grievance of unlawful discrimination and/or workplace bullying, or have had a grievance lodged against them, or are legitimately involved in the administration of this Procedure.
63. Individuals who are subject to victimisation because of actions undertaken in accordance with this Procedure are strongly encouraged to notify the ED: PTC.
64. Once notified of an incident of victimisation, the ED: PTC will investigate the matter. If victimisation is substantiated the matter will be referred to the Vice Chancellor with the recommendation that disciplinary action is taken in accordance with the Agreement.

H. Records

Record of conciliation process

65. A confidential file will be created and maintained by the Conciliator to provide a record of the grievance and subsequent action. Once the grievance is concluded, the file will be forwarded to the ED: PTC for confidential filing.

Personnel records

66. If a grievance results in disciplinary action, a record of the incident will be placed on the staff member's employee file. The staff member will be given the opportunity to add any written response to records that are placed on their employee file. Details of the grievance will be removed from the official personnel files after the expiration of five (5) years if there has been no repetition of the behaviour.

Related Documentation

- > University of South Australia Equal Opportunity Policy
- > University of South Australia Sexual Harm Policy
- > University of South Australia Anti-Racism Policy
- > University of South Australia Inclusive Language Policy
- > University of South Australia Health Safety and Injury Management Policy
- > University of South Australia Acceptable Use of Information Technology (IT) Facilities Policy
- > University of South Australia Staff Code of Conduct
- > University of South Australia Staff with Disability Policy
- > Commonwealth Racial Discrimination Act 1975
- > Commonwealth Sex Discrimination Act 1984
- > Commonwealth Australian Human Rights Commission Act 1986
- > Commonwealth Disability Discrimination Act 1992
- > Commonwealth Workplace Gender Equality Act 2012
- > Commonwealth Age Discrimination Act 2004
- > Commonwealth Fair Work Act 2009
- > Corporations Act 2021
- > South Australian Equal Opportunity Act 1984
- > South Australian Work Health and Safety Act 2012
- > Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019
- > Public Interest Disclosure Act (SA) 2018
- > South Australian Work Health and Safety Regulations 2012
- > South Australian Racial Vilification Act 1996
- > University of South Australia Act 1990

Officer Responsible for Update and Review: Executive Director: People, Talent and Culture

Approved by: Vice Chancellor

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History:

- > Approved: Council 7 April 1997 (Resolution 97/2/21)
- > Revised Procedures approved by Council 18 May 2004
- > Amendments: 3 September 1998 (SMG)
- > 11 October 1999 (Manager: Equity and Diversity)
- > 1 August 2005 (Director: Human Resources)
- > 11 October 2005 (Director: Human Resources)
- > 18 August 2006 (Director: Human Resources)
- > 17 March 2008 (Director: Human Resources)
- > 16 June 2014 (Director: Human Resources)
- > November 2023 (Executive Director: People, Talent and Culture)