**Grievance Resolution Policy and Procedure Template**

Note: Clubs may use this template, adapt it or develop their own Grievance Resolution Policy and Procedure as long as it meets Arc’s requirements as outlined in I.

**<Club Name> Grievance Resolution Policy and Procedure**

**Purpose**

<Club Name> encourages individuals to raise grievances where they arise in line with this policy and procedure. Most grievances should be raised directly with <Club Name> and handled internally, and <Club Name> 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 <Club Name> where the matter has not been resolved through an informal dialogue and/or it is not safe or appropriate for the matter to be resolved through informal dialogue.

**Scope**

These policies and procedures apply to current UNSW students and staff, and members of <Club Name>.

This policy and procedure is designed to be a guide only and does not aim to prescribe the actions required to handle every complaint/grievance within the spectrum of potential Club conflict. Accordingly, <Club Name> 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 <Club Name> e.g. inappropriate behaviour of attendees at an event near an activity run by <Club Name>;
* Personal disputes where none of the parties involved are acting on behalf of <Club Name>;
* Grievances and complaints relating to incidents that occurred more than three (3) months prior to the grievance being raised for which no reasonable excuse explaining the delay has been provided to the <Club Name> or Arc @ UNSW
* In the case of longer-term or repetitive issues, at least one instance must have occurred within this period.
* Grievances and complaints that are criminal offences should not be investigated by <Club Name> but instead reported to Arc.

**Definitions**

**Appeal:** Where an individual wishes to dispute or challenge a decision that has been made by <Club Name> 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 <Club Name>. 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.

**Welfare Officer:** Is the <Club Name> Executive member whose role is to receive and handle formal grievances (as specified in the <Club Name> constitution). If this is not practicable or appropriate, another member of the <Club Name> Executive will act as the Welfare Officer on the complaint/grievance.

**Grievance:** Any complaint, concern, dispute or problem to do with <Club Name>, its activities and events and the behaviour of Club Executives when performing their Executive duties can be a grievance. Grievances can arise due to <Club Name> behaviours, acts, situations, omissions, or decisions, which complainant considers to be unfair or unjustified and requires addressing by <Club Name> 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;
* grievances and steps of the investigation process are properly documented
* 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, <Club Name> Executives should be mindful of the individual circumstances of each case and act appropriately in response to these.

**Informal Grievance Resolution**

Informal grievance procedure is reserved for grievances that are less serious or less complex to resolve. The aim is to find resolution among all parties in a reasonable and timely manner.

1.

*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. <Club Name> 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.

It is important to note that self-resolution is not appropriate in the case of serious grievances such as an incident of gendered violence and/or a crime. In these cases, we recommend that the club make a report to Arc via the Incident Reporting Form, to UNSW via the Gendered Violence Reporting Portal or Student Complaints portal, or to police. If the incident is considered a serious indictable offense, please report it to Arc immediately.

Informal grievance mechanisms may also include:

* <Club Name> 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, or there is an issue of safety, they should report the grievance to the Welfare Officer of <Club Name>. If the complainant does not feel comfortable reporting the grievance to <Club Name>’s Welfare 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. The

Once a grievance has been raised with the Welfare Officer, the Welfare 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 Welfare Officer will make a decision on the resolution of the grievance. Where approval/agreement from the <Club Name> Executive is required (e.g. agreement on changes to events or procedures or removal of a member from <Club Name>), the Welfare Officer will make a recommendation to the <Club Name> Executive on how the grievance should be resolved. Where a decision is required from the <Club Name> 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  Welfare Officer about any Club Executives that may be directly involved in the grievance.

The Welfare Officer will communicate the outcome to all those involved.

When formally reporting the grievance to the Welfare 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;
* Any supporting documentation if applicable; and
* Detail the desired result of raising the grievance.

If the complainant raises the grievance to the Welfare Officer without following the above procedure, the Welfare Officer will request the complainant's grievance be submitted in writing within five (5) days of it being raised. The Welfare Officer will not take steps to advance the grievance process until the complainant formally reports the grievance.

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

*Initial Steps*

The Welfare 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 Welfare Officer ascertaining the necessary steps to be taken in order to deal with and resolve the grievance, including whether or not the Welfare 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  Welfare Officer feels that they are unable to handle the procedure, then they must refer the grievance on to another person on the <Club Name> Executive.

If the Grievance Officer is unsure how to proceed, they are encouraged to contact Arc for advice on best practice. If it is not appropriate for the <Club Name> Executive to handle the grievance, the Welfare Officer will refer the grievance to Arc in writing.

*Investigation*

Where the  Welfare 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 and provided with sufficient evidence to prepare a response;
* 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  Welfare Officer in order to make an accurate finding or recommendation as set out in 0.

The Welfare Officer will inform the complainant that the evidence and information from their formal report will be provided to the respondent. If the complainant does not consent to this, the Welfare Officer will not share the information. However, the Welfare Officer will not be able to proceed with an investigation and be forced to dismiss the complaint due to procedural fairness violations.

If the outcomes of the investigation do not involve actions on any individual/s (but instead changes to how <Club Name> 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 Welfare Officer reasonably believes that it would benefit the investigation to delay notifying a person involved in the investigation they may do so.

The Welfare Officer should be communicating progress throughout the process to all relevant parties, including if there is any reason for a delay or hold in the investigation process.

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  Welfare Officer; and
* A right of appeal.

Complainants should not be involved in deciding the outcome of a grievance or disciplinary action taken. The Welfare Officer acts as an impartial third party and decides on an outcome based on the evidence and information provided.

*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. An investigation summary that details the actions taken by the Welfare Officer or <Club Name> to resolve the grievance, the outcome as well as the reasons for any final decisions will be recorded (in writing).

 <Club Name> will have a Welfare Officer email address to communicate with complainants and respondents in a confidential and private manner. Other <Club Name> Executives will not have access to this email address to ensure confidentiality.

*Victimisation*

Where any actions taken resulting from the complaint, or the act of complaint itself falls outside <Club Name> scope of grievance handling and breaches the UNSW Code of Conduct <Club Name> 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.

*Unreasonable Behaviour*

<Club Name> will not accept the mistreatment of the Welfare Officer by any parties involved in the grievance process. Unreasonable behaviour may include:

* Offensive and disrespectful conduct
* Using threatening or coercive means to manipulate the actions of the Welfare Officer
* Being difficult during the resolution process
* Harassing the Welfare Officer either during the grievance process or after the grievance has been closed
* Making unreasonable demands

**Confidentiality and discretion**

<Club Name> 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 must 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 Welfare 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 Welfare 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 as well as disciplinary action taken by Arc.

Disciplinary Action

Disciplinary action is only open to <Club Name> after following the formal grievance procedure and justified by sufficient evidence. Disciplinary action can take the form of the following penalties:

* Formal warning
* Ban from club events
* Removal of member
* Revoke of responsibilities or running of club activities

Penalties should only be issued when appropriate and must be proportionate to the severity of the misconduct. Any penalties issued must be put in writing to the member along with reasons.

**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 <Club President> for review (or other <Club Name> Executive member if the <Club 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).

Club members should not be encouraged to seek an appeal simply because it exists, but on the basis that grievance procedure has been violated or incorrectly followed.

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 <Club Name>’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.  Appeals must be made in writing and directed to Arc via advice@arc.unsw.edu.au within ten (10) days of the decision being communicated and set out the reasons for the appeal. Appeals will be decided by the Clubs Manager, in consultation with Arc Legal who will conduct whatever investigations necessary to ascertain if the correct procedures have been followed.

In circumstances where a penalty has been issued to a member, appeals can be made to the Clubs Tribunal, who have the jurisdiction to review disciplinary cases. Appeals must be made in writing within ten (10) days of the penalty being issued and set out reasons for appeal. The Clubs Tribunal will review the clubs evidence and documents supporting the penalty as well as conducting an appropriate investigation. All decisions from the Clubs Tribunal will be final and take immediate effect.

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 <Club Name> should be resolved under the UNSW Complaints Procedure.