



## Resident Grievance Resolution Procedure & Guidelines

Version: 1<sup>st</sup>

**Responsible To:** Head of College & CEO – John XXIII College

**Pertains To:** Residents (Accommodation Agreement Holder) – John XXIII College

**Supported By:** Deputy Head of College – John XXIII College  
Staff – John XXIII College  
Collegiate Team – John XXIII College

**Monitored By:** Head of College & CEO – John XXIII College

### Procedures

#### **Stage 1 - The Early Resolution (Informal Resolution)**

1. It is acknowledged that from time to time, Residents will have concerns about the behaviour of others or decisions taken by others within the College. A Resident who feels aggrieved about the behaviour or a decision, is expected to raise the issue(s) with the other party, as soon as practicable.
2. The Resident with a complaint or grievance is strongly encouraged to:
  - a. Gather information and seek advice from a Dean of Residents: Student Life & Academics (Dean) or Deputy Head of College (DHOC), on whether they have a legitimate complaint or grievance and how to resolve their concerns; and  
NB.  
The Dean can advise the Resident, but not advocate the Resident's grievances.
  - b. Initially seek an informal meeting to solve any complaint or grievance.
3. After gathering information and advice in relation to a complaint or grievance, a Resident may:
  - a. Take no further action; or
  - b. Make an informal approach to the person concerned.
4. It is preferred that these matters will normally be resolved directly or locally by the Resident informally discussing these matters in an open, candid and constructive manner with the other person who is involved in the issue.
5. It is anticipated that effective local action focussed around conciliation will prevent the need for more formal processes to resolve grievances.
  - It is acknowledged that in some cases, the lack of effective conciliation may itself be the prompt for a formal review, rather than the original grievance and this circumstance should be avoided.
6. It is not necessary for a Resident to formally lodge a grievance to prompt a Supervisor or the College Administration to act, where he or she considers that a serious concern warrants intervention.

#### **Stage 2 – The Formal Grievance Resolution**

1. A Resident should attempt to resolve a grievance informally, but where a satisfactory resolution has not been achieved, the Resident may proceed to and initiate a formal grievance resolution process, in accordance with this procedure.
2. In cases where a Senior Resident (SR), Dean of Residents: Student Life & Academics (Dean) or staff member is the focus of the concern, the Resident may seek advice from the Deputy Head of College or Head of College on how best to proceed.
3. The Resident must lodge the formal complaint or grievance in writing or by E-Mail, with the Deputy Head of College. The complaint or grievance must state:
  - a. State that they would like to begin the formal complaint and grievance process.



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- b. What the grievance is, identifying the facts and issues, and
- c. An indication of what resolution is being sought e.g. discontinuing certain behaviour, review of decision, apology from a staff member.
- d. What actions they tried in their attempts to resolve the grievance informally.

The Resident's formal complaint may be supported by statements from other Residents or staff, but any anonymous supporting statements will not be accepted.

4. The Deputy Head of College will decide on who should be the appropriate Responsible Officer and then allocate a Responsible Officer to resolve the grievance. If Resident's grievance is with:
  - a. Another Resident, the Responsible Officer will be a Dean or the Deputy Head of College.
  - b. An SR, Academic Advisors (AA) or Dean, the Responsible Officer will be the Deputy Head of College.
  - c. A member of staff at the operational level then the Responsible Officer will be the Manager of the area where the staff member is employed or a Manager from another department.
5. In some circumstances, a Resident (including an SR or AA) may raise a grievance against a more senior member of staff. In this case, the Resident should lodge the grievance with the Head of College who will then allocate a Responsible Officer to resolve the grievance. If Resident's grievance is with:
  - a. A Manager, the Responsible Officer will be either another Manager or the Head of College.
  - b. The Deputy Head of College, the Responsible Officer will be the Head of College.
  - c. The Head of College, the Responsible Officer will be the Deputy Head of College.
6. It is expected that grievances will be managed sensitively and as quickly as possible by the Responsible Officer.
  - a. Unless otherwise stated, general timeframes are provided in this procedure as a guide only - matters will vary due to complexity, the availability of parties and the workload of the people involved.
  - b. Similarly, it is expected that grievances will be lodged promptly and not after a lengthy delay (more than 10 working days) or in relation to matters that would reasonably be seen as historical.
7. Where a Resident lodges a formal grievance, then it is expected that any person lodging a grievance in good faith will not be disadvantaged or victimised in raising the grievance.
8. Complaints and grievances will not be proceeded with, where:
  - a. The Grievance is anonymous, or
  - b. The grounds for the grievance appear to be vexatious, frivolous, or malicious, or
  - c. The Head of College considers that the grievance was lodged to avoid disciplinary matters.
9. Within three (3) working days of receiving a complaint or grievance, the Responsible Officer will:
  - a. Initiate discussions with the Resident and have started to clarify the details of the grievance,
    - The aim of the discussions is to:
      - Ascertain the nature and merits of the complaint,
      - Determine whether a genuine grievance exists and
      - Gather information as required to assist with the resolution of the grievance;
  - b. Initiate discussions with the other party and advise them of the particulars of the grievance.
10. Within a further five (5) working days, the Responsible Officer will commence the following steps:
  - a. Explain the process and the range of options available to each party,



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- b. Ensure that all parties have accessed all relevant sources of advice and support,
  - c. Provide all relevant parties with information and the opportunity for input,
  - d. Maintain an open mind in an effort to understand the issues as seen by the various parties as
    - Hear / consider the complainant's concerns and their desired outcomes,
    - Hear / consider the responses given by the respondent;
  - e. The Responsible Officer will gather any documentation or supporting material and take such notes as necessary to fairly represent the issues.
11. The parties involved in complaints and grievances are expected to participate in good faith, have regard to facts, policies, procedures, and the particulars of the circumstances. Grievances will be reviewed in the spirit of achieving resolution, procedural fairness, sensitivity to the parties and confidentiality.
  12. Any party to a grievance may request the assistance of an additional person, such as an observer or support person, who may attend with them, if being interviewed.
  13. The Responsible Officer will
    - a. Take into account the impact of any proposed resolution of the complaint on any third parties.
    - b. Seek to:
      - i) Resolve the grievance (obtain an agreed resolution), or
      - ii) Arrange mediation or conciliation to attempt to resolve the grievance.
    - c. If at any stage in the grievance resolution process a complaint is considered frivolous, vexatious or is lacking in substance, the Responsible Officer may choose not to proceed with the grievance resolution process.
      - The reasons for arriving at this decision must be documented and provided to the student.
  14. Where the mediation or conciliation:
    - a. Proves successful, the matter will be deemed resolved.
    - b. Does not provide grievance resolution, the Responsible Officer will make a determination in relation to the grievance.
  15. Where the Responsible Officer has to make a determination it is to be based upon the material gathered as to the merits of the grievance. Options can include:
    - Affirming the decisions and actions that prompted a grievance (effectively dismissing the grievance), or
    - Recommending that one or more parties apologise, or
    - Requesting that the parties seek further mediation, or
    - Recommending that performance discussions occur; and
    - Recommending a change in the behaviours of one or both parties, such as by initiating training in certain areas or behaviours.
  16. Where a matter arises that is more appropriately dealt with elsewhere:
    - a. Via criminal investigations, it may be referred to the Police, or
    - b. Considered for disciplinary action rather than be managed as a grievance.
  17. The decision and recommendations of the Responsible Officer are to be communicated in writing to the Resident who lodged a grievance and any other parties, if appropriate.



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18. Notes should be taken at all stages of the grievance resolution process, including where a Resident raises a grievance and the Responsible Officer intervenes to resolve it without otherwise receiving a formal grievance letter or email.
19. Records or notes, as well as copies of relevant communication during the grievance resolution process should be stored on a confidential College file.
20. Personal disappointment with the determination and recommendations of a Responsible Officer will not normally be sufficient reason to warrant a further review.

### Stage 3 – Review of the Formal Grievance Resolution

1. Subject to the formal grievance resolution being completed, and where a Resident is not satisfied with the determination of the grievance made by the Responsible Officer, the Resident may seek a review of the grievance outcome or process with the Deputy Head of College or the Head of College (the Reviewer).
  - a. Such a request for review must be lodged within five (5) working days of the written advice provided by the Responsible Officer.
  - b. The request for a review must be in writing, stating:
    - That they request a review,
    - How or why the Formal Grievance process did not resolve the grievance, and
    - What remedy the staff member seeks.
2. In special circumstances where the grievance had been raised against a more senior member of staff. In this case the Head of College who will then allocate a Reviewer to resolve the grievance. If Resident's grievance is with:
  - a. A Manager, where the Responsible Officer is another Manager, the reviewer will be the Deputy Head of College or the Head of College.
  - b. A Manager, where the Responsible Officer is the Deputy Head of College, the reviewer will be the Head of College.
  - c. The Deputy Head of College, the Responsible Officer will be the Head of College and the reviewer will be one of the Senior Managers.
  - d. The Head of College, the Responsible Officer will be the Deputy Head of College and the reviewer will be a Senior Manager.

In exceptional circumstances the Head of College may refer the role of reviewer to the Board. The Board may decide to select a reviewer from within the Board or seek a reviewer from outside of the College or select a reviewer from within the College's Senior Management.

3. Within two (2) working days, the Reviewer will have begun clarifying the details of the dissatisfaction with the initial grievance determination and subsequently advised any other persons of the particulars of the review.
4. Within ten (10) working days, the Reviewer will assess the process that occurred to determine the merits of the Formal Grievance process, providing the opportunity for any additional input, and maintaining an open mind. The Reviewer:
  - a. Will re-assess any documentation or supporting material,
  - b. May seek further material, as required,
  - c. Discuss the complainants request and reasons for the request,
  - d. Discuss the issue with the respondent.



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5. Having regard to the original facts, issues and any additional information discovered, the Reviewer may:
  - a. Decide that the complaint was outside the ambit of this procedure and chose to take no action.
  - b. Consider the complaint to be frivolous or vexatious or without substance and take no action or refer the complaint for consideration under the disciplinary policy.
  - c. Decide that the initial determination of grievance was valid and already resolved.
  - d. Decide that the initial determination was invalid and as a result the Responsible Officer should make a new determination.
  - e. Consider the complaint was previously unresolved and
    - i) make an alternative determination, or
    - ii) require the Responsible Officer to conduct the original process again, giving guidance on the process, or
    - iii) request that someone else conduct the process again for the sake of inspiring confidence in the grievance resolution process.

NB.

It is not intended, however, that the Reviewer intervene to overturn a finding of the Responsible Officer unless the Reviewer has found that there has been a flaw in process or other serious error.

6. The Reviewer will write to the Resident (complainant) and the respondent to advise them of the determination and the outcomes of the review of the grievance. They will also be informed that this finished the review process.
7. Once:
  - a. This Stage 3 Review is completed, or
  - b. The Deputy Head of College has made a determination as a reviewer, or
  - c. The Head of College has made a determination as a reviewer.there are no additional avenues for further reviews and the matter is considered finalised.

By accepting a John XXIII College Accommodation Agreement, Resident accepts and agrees to abide by all of the terms and conditions of John XXIII College's Policies and Procedures. Residents should contact the College for further clarification if required.