



COMPLAINTS RESOLUTION POLICY

1. INTENT

Sydney Uni Sport & Fitness aims to create and maintain a harmonious and productive environment, free from conflict and inappropriate behaviour. Where problems cannot be resolved between the parties involved, this Policy provides for a fair process to manage complaints.

Sydney Uni Sport & Fitness seeks to handle complaints in a confidential, impartial and timely manner, taking reasonable steps to prevent victimisation against those who raise a complaint in good faith (or assist someone else to do so).

2. SCOPE

This Policy applies to all SUSF Annual Members of SUSF (which includes Club members) and all employees, contractors, subcontractors, volunteers and work experience students who perform work for Sydney Uni Sport & Fitness ('Members').

3. POLICY

A Member can use this Policy to resolve a problem, concern or grievance (collectively referred to as a 'Complaint').

A Complaint can be made about an act, omission, decision or behaviour that a Member considers is unfair, unlawful or in breach of a policy of Sydney Uni Sport & Fitness, for example:

- conflicts between Members
- discrimination
- harassment and/or intimidation
- sexual harassment
- bullying
- vilification
- victimisation

Or it can include any Complaint concerning an incident that may take place at any SUSF facility or sporting venue where SUSF Members or Clubs are operating. Please note, there is a separate Incident Response Protocol for SUSF off-campus events (for example, Uni Nationals).

If a Member wishes to raise a work health and safety issue, the Member should raise the issue through the Centre Manager or Operations Manager via nmrc@sport.usyd.edu.au. This Policy will still apply to any complaints that a Member has in relation to work health and safety issues.

What should you do if you have a Complaint?

Sydney Uni Sport & Fitness encourages all Members to raise any legitimate concern in accordance with this Policy and will treat all relevant and non-frivolous Complaints seriously. Whilst this Policy sets out the steps that will



generally be taken by Sydney Uni Sport & Fitness upon receipt of a Complaint, Sydney Uni Sport & Fitness has discretion to deal with Complaint in the manner that is considered most appropriate in the circumstances.

Step 1 - Address directly with the person concerned

As a first step, if a complainant feels comfortable doing so, he or she should address the issue directly and courteously with the person concerned.

It may be that the person was not aware of the impact of their decision or behaviour. This does not mean that it is acceptable. However, it does mean that, in some circumstances, the issue can be resolved by simply advising the other person of the concern. They then have the chance to stop or to change what they have done or are doing. This is not a compulsory step and may not be appropriate in every circumstance.

Step 2 - Escalate to Contact Person

If directly addressing the problem does not work, or if the complainant does not feel comfortable with this approach, the issue may be escalated to the following persons (referred to as 'Contact Persons'):

- the SUSF Centre Manager;
- The Club President;
- The Club General Manager;
- the SUSF Head of People and Culture; or
- the SUSF Legal Counsel.

Alternatively, the Complaint may be emailed to hr@sport.usyd.edu.au and SUSF may determine the appropriate person to deal with a Complaint at any point in the process.

What will the Contact Person do?

Given the need to maintain flexibility to resolve Complaints, the action taken by Sydney Uni Sport & Fitness will depend on the particular circumstances. This section sets out general guidance for Contact Persons when dealing with a Complaint.

Discuss

The Contact Person may discuss the Complaint with the complainant, and explain the relevant steps that can be taken to address the Complaint. The Contact Person will generally need to meet with the complainant to discuss the Complaint. The Complainant may bring a support person to the meeting.

Determine complaint process

The Contact Person will then determine the best way to deal with the Complaint. There are two types of complaint procedures: informal and formal. The type of complaint procedure used will depend on the individual circumstances. In determining the best course of action, the Contact Person will consider the nature of the Complaint and other relevant factors. Usually, the process will involve speaking with the person(s) against whom the Complaint is made to obtain their account of events.

What happens under the informal complaint procedure?



Under the informal complaint procedure, there are a broad range of options for addressing the Complaint. The procedure used to address the issue will depend on the individual circumstances of the case.

Possible options include:

- the Contact Person discussing the issue with the person against whom the Complaint is made; and/or
- the Contact Person facilitating a meeting between the parties in an attempt to resolve the issue and move forward.

The informal complaint procedure is more suited to less serious Complaints, or those that are unlikely to warrant disciplinary action against a Member. In the informal complaint procedure, there is generally no decision made about what did or did not occur, but rather, the Contact Person attempts to facilitate an outcome that is acceptable to all parties, including Sydney Uni Sport & Fitness.

What happens under the formal complaint procedure?

The formal complaint procedure involves an investigation of the Complaint. Investigations may be conducted by a Contact Person or a person from outside Sydney Uni Sport & Fitness (including legal representatives) appointed by Sydney Uni Sport & Fitness.

Where a Complaint involves a disputed allegation that, if substantiated (proven), may result in disciplinary action against a Member, it will usually be dealt with in accordance with the formal complaint procedure.

An investigation involves collecting information about the Complaint and then making a finding based on the available information as to whether it is more likely than not that the alleged behaviour occurred or did not occur. Once a finding is made, Sydney Uni Sport & Fitness will consider any outcomes arising from the investigation.

If Sydney Uni Sport & Fitness considers it appropriate for the safe and efficient conduct of an investigation, Members may be excluded from SUSF facilities during an investigation.

Sydney Uni Sport & Fitness will seek to handle Complaints in accordance with the principles of procedural fairness and impartiality, meaning that both parties will be given an opportunity to provide their account of disputed events.

Are Complaints confidential?

The Contact Person will maintain confidentiality as far as possible and therefore endeavour to limit disclosure of information about the Complaint to those who need to know. However, it may be necessary to disclose aspects of the Complaint in order to properly investigate or otherwise resolve the issue. For example, this may include speaking with witnesses to determine what happened; to afford fairness to the person(s) against whom the Complaint has been made (i.e. to hear their side of the story) and to inform senior management/external advisors. Where criminal conduct is involved, Sydney Uni Sport & Fitness may need to notify appropriate authorities.

If a Complaint raises matters which, if proven, would constitute a breach of the law or policies of Sydney Uni Sport & Fitness, Sydney Uni Sport & Fitness may take appropriate action in relation to the Complaint (including completing the complaint handling process), irrespective of the wishes of the complainant or others.



All Members who are in any way involved in a complaint procedure must maintain confidentiality (including the Complainant, the person complained about and any witnesses or support people). This includes what the Complaint is about and the identity of those involved. If a Member breaches confidentiality, they may be subject to disciplinary action. Spreading rumours or gossip may also expose the Member to a defamation claim. Complainants may discuss their Complaint with a designated support person, representative or family member. However, that person must also maintain confidentiality.

All persons involved in the process, including the accused, must not be victimised.

In some instances, during the process of investigation a complaint, further information (including counter accusations by the accused) may come to light. In these instances, if SUSF determines it appropriate, these matters may also be investigated as part of the investigation process or separate to the investigation.

How long does the complaint process take?

Given the nature of Complaints and the need to maintain flexibility to resolve them, there is no set time frame for the complaints process. The Complaint will be treated as a matter of priority in order to bring about a resolution as quickly as possible. In some cases, the Complaints process has taken up to six months to complete.

Possible outcomes

The possible outcomes will depend on the nature of the Complaint and the procedure followed to address the Complaint. The procedures outlined below are intended as a GUIDE ONLY to the possible outcomes which may be implemented. In every case, the actual outcomes and/or disciplinary procedure to be adopted will be a matter for Sydney Uni Sport & Fitness to determine, in consideration of the circumstances as a whole.

What are the possible disciplinary outcomes?

If an investigation of a Complaint results in a substantiated (proven) finding that a Member has engaged in the alleged conduct or breaches of policy, that person may be subject to disciplinary action. The type and severity of disciplinary action will depend on the nature of the conduct/breaches and other relevant factors concerning the employment or engagement of the Member. Disciplinary action may include:

- a formal warning;
- counselling; and/or
- termination of membership.

The Member may also be liable for any costs incurred by SUSF.

What if the Complaint is not substantiated?

If a Complaint is not substantiated (i.e. the allegation is not proven), Sydney Uni Sport & Fitness will generally implement some or all of the following:

- both parties will be informed of the outcome
- the standard of behaviour expected may be explained to both parties
- both parties may be warned about confidentiality and victimisation



- monitoring will occur.

Sydney Uni Sport & Fitness reserves the right to adopt a different approach, as appropriate in the circumstances.

Frivolous or vexatious Complaints

Raising a Complaint under this Policy is a serious matter, with potentially serious consequences for those involved, including potentially large legal costs involved in resolving the matter. If a person makes a false Complaint in bad faith (eg. making up a Complaint simply to get someone else in trouble), the complainant may be disciplined, including termination of membership. Such malicious Complaints can also expose the complainant to a defamation claim. Further, if a person lodges an excessive number of Complaints that Sydney Uni Sport & Fitness determines to be unfounded or frivolous, that person's membership may be terminated.

Member Acknowledgement

Members are required to familiarise themselves with this Policy and keep up to date as to any changes that may be made to it from time to time. If a Member is unsure about any matter covered by this Policy, they should seek the assistance of Human Resources at hr@sport.usyd.edu.au

Process for conversations with SUSF Club Members

Teenage relationships of a 'romantic' nature that occur in sporting and education venues present risk that requires careful management given they can contain behaviour of a sexual nature occurring in circumstances where teenagers are 'minors' under the law and sometimes below the legal age for consent (below 16). For this reason the process for all SUSF coaches / employees as follows:

Where a conversation takes place between SUSF employees and SUSF/Club members about any personal topics that could involve any form of physical/mental violence or sexual/romantic/relationship behaviour, then a third party must be called to attend the conversation and a file note of the conversation should be made and signed by both parties immediately thereafter and uploaded to Human Resources' confidential files. The conversation should be delayed until a third party is present. Any concerning behaviour reported should be addressed by SUSF's Head of HR and/or Legal Counsel.

4. RELATED POLICIES, PROCEDURES AND FORMS

- Workplace Conduct Policy
- Staff Complaints Resolution Policy
- SUSF Code of Conduct
- Member Facility Code

5. ABOUT THIS POLICY

All individuals subject to this Policy are required to comply with its terms. However, to the extent this Policy describes benefits or entitlements provided by SUSF; these are discretionary in nature and are not intended to be contractual or binding on SUSF.



Subject	Workplace Complaints Resolution Policy
Authorised by	Chief Executive Officer
Contact	Human Resources
Version	1.1
Commencement	01 July 2022
Last review	25 th June 2022