



Procedure for mediation of complaints

Version	4.0
File number	07/704
Short description	A procedure for the internal review of complaints made by students or staff. To be read in conjunction with the Complaints Policy.
Relevant to	All
Responsible officer	University Secretary
Responsible office	Office of Corporate Governance
Date approved	31 August 2007
Date commenced	31 August 2007
Date(s) modified	
Next scheduled review	30 August 2010
Related University documents	Protocol for Responding to Letters of Demand Fraud, Corruption and Maladministration Policy and Reporting Procedure Charles Sturt University Enterprise Agreement 2005-2008 Charles Sturt University Handbook Academic Regulations Code of Conduct for Staff Code of Conduct for Users of Electronic Facilities Policy on Prevention of Harassment and Bullying Student General Misconduct Rule
Related legislation	<u>Charles Sturt University Act 1989</u> <u>Charles Sturt University By Laws 1995</u> <u>Education for Overseas Students Act 2001 (Clth)</u> <u>Higher Education (Amalgamations) Act 1989 (NSW)</u> <u>Privacy and Personal Information Protection Act 1998 No 133</u> <u>Protected Disclosures Act 1994 No 92</u> <u>Ombudsman Act 1974 (NSW)</u> <u>Ombudsman Regulations 1999 (NSW)</u> <u>Freedom of Information Act 1989 No 5 (NSW)</u> <u>Occupational Health and Safety Act 2000 (NSW)</u> <u>Occupational Health and Safety Regulation 2001 (NSW)</u> <u>Workplace Relations Act 1996 (Clth)</u> <u>Workplace Relations Regulations 2006 (Clth)</u> <u>Anti-Discrimination Act 1977 No 48 (NSW)</u> <u>Disability Discrimination Act 1992 (Clth)</u> <u>Racial Discrimination Act 1975 (Clth)</u> <u>Sex Discrimination Act 1984 (Clth)</u> <u>Age Discrimination Act 2004 (Clth)</u> <u>Employees Liability Act 1991 No 4 (NSW)</u> <u>Employment Protection Act 1982 No 122 (NSW)</u> <u>Workers Compensation Act 1987 No 70</u> <u>Workplace Injury Management and Workers Compensation Act 1998 No 86</u> <u>Workplace Video Surveillance Act 1998 No 52</u> <u>Workplace Relations Amendment (Workchoices) Act 2005</u>
Key words	Regulations, staff, visitor, policy, procedure, legal, complaints, grievance, mediation, bullying, discrimination, misconduct, victimization, vilification, natural justice

1. PURPOSE

The purpose of this Procedure is to set out the processes for mediation of complaints within the University.

2. SCOPE

This Procedure applies to all members of the University community regarding mediation of complaints that have been dealt with under the:

- “Procedure for handling workplace concerns”; and
- “Procedure for handling student concerns”; and
- Any other matter that referred under a policy or procedure of the University for internal review under this procedure.

3. MEDIATION

- 3.1 University mediators will be a staff member who is suitably qualified and has attended an accredited course recognised by the University or has substantial mediation experience. A list of authorised University mediators will be held by the Executive Director, Human Resources and provided to the University Ombudsman. The Executive Director, Human Resources, will organise where necessary the training of University mediators and monitor the work load of University mediators.
- 3.2 Mediations generally will be conducted by a single mediator appointed by the University Ombudsman. However, mediations may involve more than one mediator where this is considered appropriate by the University Ombudsman.
- 3.3 Mediators will observe the guidelines for mediation approved by the University Secretary.
- 3.4 Mediation will occur normally within fourteen (14) days of both parties agreeing to the appointed mediator(s). The mediator will organise the time and place for mediation to occur. The faculty, division or office will bear its own costs and costs for other parties will be borne by those parties unless otherwise determined by the University Secretary.
- 3.5 The complainant and respondent may be required to provide the mediator with a brief statement setting out their position with regard to the issues that need to be resolved in addition to other information requirements.
- 3.6 At the conclusion of the mediation session the complainant and respondent, with the mediator will prepare a written statement of any resolution for signature by the parties.
- 3.7 If mediation is not successful, the mediator will report this to the managers or supervisors concerned, and the University Ombudsman, and the complainant will be advised of their right to lodge a formal complaint.
- 3.8 Any concerns regarding the conduct of a mediation by the mediator may be referred to the University Ombudsman for review.

Table of amendments

Version number	Date	Short description of amendment