

Complaints and Grievance Policy and Procedure - Employees

Section 1 - Preamble

(1) Charles Darwin University ('the University', 'CDU') recognises the importance of an accessible, consistent, and fair approach to the resolution of workplace grievances and complaints.

(2) Employees must be supported by having access to a University-wide process to raise complaints without fear of reprisal.

Section 2 - Purpose

(3) This policy and procedure outlines the process for managing employee grievances, complaints and resolving conflict in the workplace.

(4) Allegations, complaints or grievances relating to gender-based violence where a CDU employee is the victim survivor or the alleged person of concern (respondent) are managed in accordance with the [Gender-based Violence Response Procedure](#) and this policy and procedure.

Section 3 - Scope

(5) This policy and procedure applies to all employees of the University.

Section 4 - Policy

(6) CDU recognises the following pathways to resolution:

- a. Complaint – can be lodged in an informal manner and can relate to any allegation, accusation or charge.
- b. Grievance – a formal written complaint where there may be an alleged or suspected breach of legalities such as terms and conditions of employment, compensation, discrimination (including antisemitism), bullying and harassment etc.

(7) The University is committed to the following principles of grievance and complaint management:

- a. Accessible – information about the process must be published and easily accessible. Lodging a grievance or complaint must be simple and transparent. When the University acknowledges receipt of a complaint, it will provide the employee with an outline of the complaints process.
- b. Timely – once lodged, grievances and complaints are to be managed efficiently. Receipt must be acknowledged in writing and the investigation into the matter must commence in a timely manner. Outcomes must be finalised as soon as practicable, taking into account complexities may require longer timeframes, although still must remain reasonable.

- c. Objective – all grievance and complaint reviews must be considered and managed free of bias.
- d. Fair – procedural fairness must be afforded to all, and all employees involved are to be afforded opportunities to present their case and be accompanied by a support person at any relevant meetings.
- e. Transparent – complainants must receive final outcomes to their grievance or complaint in writing. This must include reasons for the outcome and potential avenues for review, where relevant and appropriate.
- f. Confidentiality – information must be kept confidential, where and as appropriate. All aspects of employee grievances and complaints must be kept confidential and never disclosed to a party that is not directly involved. Complaints referred by the University's [Disclosure Officer](#) must consider the confidentiality requirements outlined in Section 146a of the [Independent Commission Against Corruption Act 2017](#) and the [Whistleblower Reporting \(Improper Conduct\) Procedure](#).
- g. Record keeping – written record of the grievance or complaint must be kept in a secure and central location by the University. This must also include all case file notes, records of meetings, investigation reports and letters of correspondence.
- h. Informative – the management and resolution of grievances and complaints should inform future conduct at the University. Recommendations arising from the grievance and complaint resolution process should, where reasonable, be enacted. Data relating to the complaint process is to be recorded in a way that will enable analysis and inform areas for improvement within the University.
- i. Supportive – all participants of the process must be made aware of support services available to them, including their right to have a support person present, translation services where required, and external counselling services when participating in the process. Any participant can make a request for reasonable additional support or adjustment at any time during or after the process. Support services will also include developing a tailored support plan to ensure safety.

(8) Employees should note that grievances and complaints of a serious nature are the responsibility of everyone to report.

Confidentiality

(9) All employees are expected to treat these matters with the highest level of confidentiality, sensitivity and impartiality. Failure to maintain confidentiality may result in disciplinary action. Confidentiality is not guaranteed where it is required to disclose details of a grievance to other parties to assist with grievance resolution, in response to a serious or imminent risk to safety, or where required by law.

(10) The supervisor, or person receiving the employee grievance, may be obliged to report the matter to their relevant Senior Executive Team member and People and Culture, or the police. If this is the case, the employee must be advised of this and the reasons for doing so.

(11) Sexual harassment may be reported by the victim survivor directly to their Senior Executive Team member or People and Culture due to the serious nature of the offence. It may also be reported via the online reporting tool. Disclosures of sexual harassment or gender-based violence, and the subsequent reporting process are described in detail in the [Gender-based Violence Prevention Policy](#) and [Gender-based Violence Response Procedure](#).

(12) Sexual assault where the victim survivor is under the age of 18 must be reported to the police in accordance with relevant state-based mandatory reporting obligations. People and Culture and/or an employee's senior manager will support this process. If the victim survivor is over the age of 18, the decision to report to police is theirs. It is always mandatory that victim survivors are provided with access to high level counselling.

(13) If the alleged behaviours or actions being reported could be deemed as fraud or theft, they will need to be reported to both police and the [Office of the Independent Commissioner Against Corruption \(ICAC\)](#) or other equivalent state based body.

(14) In the case of alleged or substantiated gender-based violence, the University will not initiate the use of a non-disclosure agreement (NDA) unless at the request of the victim survivor. Any use of an NDA will be in accordance with the principles outlined in the [Gender-based Violence Prevention Policy](#).

Section 5 - Procedure

(15) There are four options available to employees to assist them in resolving grievances and complaints:

- a. self-management;
- b. local resolution;
- c. formal resolution; and
- d. referral to an external agency or agencies.

(16) Employees seeking advice about their options or how best to approach a grievance or complaint may speak with their supervisor or relevant People Partner.

(17) Supervisors, People Partners, and others involved in such conversations must handle them privately and sensitively.

(18) If the issue is related to allegations or complaints of research misconduct, it is to be dealt with in accordance with the [Responsible Conduct of Research procedure](#).

(19) If the issue is related to allegations or complaints of gender-based violence, it is to be dealt with in accordance with this policy and procedure and the [Gender-based Violence Response Procedure](#).

(20) Employees may initiate multiple resolution options, for example, where it has not been possible to resolve the grievance or where the seriousness of the matter escalates.

(21) The University reserves the right to act, as it deems necessary where it considers that:

- a. the matter warrants formal resolution methods;
- b. an employee's or student's health, safety or well-being is at risk;
- c. misconduct or serious misconduct may have occurred;
- d. criminal conduct, fraud, bribery or corrupt conduct may have occurred; or
- e. gender-based violence may have occurred.

Self-management

(22) Matters leading to a grievance or complaint are often accidental or unintentional. Employees are encouraged to resolve a matter directly with the people concerned, if they are comfortable to do so.

(23) Employees working to resolve complaints or grievances may have a confidential discussion with their People Partners and should ensure they:

- a. discuss the matter privately;
- b. identify the specific behaviour and/or actions that have caused offence;
- c. explain the impact the behaviour has on them; and
- d. request that the behaviour and/or actions stop.

(24) Employees should keep diary notes of any attempts to address the issues.

(25) If an employee is not comfortable attempting to resolve the matter directly, or if self-management is not successful, local and formal resolution methods are available.

Local resolution

(26) The local resolution process emphasises resolution rather than factual proof of a complaint. It is suited to issues such as interpersonal conflict and disagreements.

(27) Local resolution focuses on flexibility and aims to reach an outcome where parties can continue to work together in a professional and courteous manner. The length of the process may vary depending upon the nature of the complaint and the parties involved.

(28) Employees should initially contact their immediate supervisor to commence local resolution. If the issue involves their immediate supervisor, the employee should contact the next senior manager in their reporting structure. If an employee is unsure who to contact, they may speak with a People Partner.

(29) Possible outcomes of local resolution may include, but are not limited to:

- a. parties openly discussing and understanding each other's point of view, and obtaining a clearer understanding of the issue;
- b. establishment of agreed standards of behaviour;
- c. acknowledgment and/or an apology;
- d. reasonable management direction to adhere to behavioural and/or performance standards, which may include attending training; or
- e. escalation to a formal resolution.

(30) The supervisor or senior manager is responsible for determining the appropriate action and recommendations required to resolve the matter. The relevant People Partner should be consulted when considering these options. Any agreed actions and associated timelines must be documented and securely stored by the supervisor and followed up with the parties involved. This will identify if further action is required.

(31) If the employee is concerned that their complaint is not being adequately resolved or addressed, they may escalate the matter to a formal resolution process at any time.

- a. Once a formal process commences, the local resolution process will cease.
- b. If action items identified during the local resolution process are still considered appropriate e.g. training, mentoring, these may still proceed.

(32) Information collected during the local resolution process must be provided to the case manager handling a formal resolution process.

(33) During the local resolution process, the individuals may keep the People Partner informed of progress, to provide assistance or intervention if desired.

Formal resolution

(34) Where the issue is not resolved at a local level or is of a more serious nature, such as misconduct, serious misconduct, sexual harassment, or gender-based violence, a formal resolution may be undertaken.

(35) Employees should make their complaint in writing to employeerelations@cdu.edu.au or approach a People Partner, who will discuss with the employee and assist them to produce a complaint. However, a complaint does not need to be in writing for it to be investigated.

(36) Upon receipt of a complaint or grievance, the Deputy Director People and Employee Relations will undertake a risk assessment, where required, and appoint a case manager to support the Senior Manager or delegate undertake the Preliminary Investigation in accordance with the provisions of this procedure and the Conduct in the Workplace procedures as set out in the [Charles Darwin University and Union Enterprise Agreement 2025](#) (the Agreement). For high-risk matters or matters involving gender-based violence, People and Culture may determine to exclude the Senior Manager or delegate.

Preliminary Investigation

(37) The case manager may arrange to meet separately with the employee and/or respondent to undertake a formal interview or discuss the grievance in detail to ascertain specific issues and desired outcomes. Where a Disclosure is received, the University will consider the views of the Discloser/complainant before progressing a complaint or grievance to investigation. Notwithstanding the Discloser/complainant's views, the University may consider it appropriate to investigate a complaint or grievance where it is necessary for the safety and well-being of others or to fulfil mandatory reporting requirements.

(38) For matters relating to gender-based violence, a different case manager will be responsible for each of the complainant and respondent. The University will notify the Discloser/complainant and the respondent in writing if an investigation is commenced. The notification will be made to both parties on the same day, with the Discloser/complainant notified first.

(39) The case manager may interview and collect statements from parties associated with the grievance, witnesses and any others who may have information relevant to the investigation. As part of the investigation process, it may be necessary to disclose details of the grievance to other parties, including but not limited to:

- a. the respondent;
- b. identified witnesses; or
- c. third parties where matters are subject to court or Fair Work Commission information requests.

(40) A discloser or respondent must not be required to provide physical evidence relating to an alleged incident of gender-based violence.

(41) The employee and respondent will have an opportunity to contribute information during the investigation process.

(42) Employees must participate in formal investigation processes as required and answer all questions truthfully to the best of their knowledge. If an employee is found to have deliberately withheld or provided false or misleading information, appropriate disciplinary action may be taken.

(43) The case manager will support the Senior Manager or Delegate to prepare a Preliminary Investigation report which may make the following recommendations:

- a. that no further action be taken;
- b. the complaint is referred to local management action to address the grievance; or
- c. that a formal investigation take place.

Formal Investigation

(44) Should a formal investigation be recommended, an Investigating Officer will be appointed to support the Senior Manager or delegate, and the investigation will be undertaken following the Conduct in the Workplace procedures as set out in the Agreement. The case manager may also act as the investigating officer.

(45) Where appropriate, the University may opt to appoint an external investigator to undertake the Preliminary

Investigation or Formal Investigation. The investigator will adhere to all University policy and procedures. The University will ensure that any person carrying out an investigation has the required expertise.

(46) The Director People and Culture is responsible for determining if it is appropriate to engage an external investigator, and ensuring the person holds no conflicts of interest. If the Director People and Culture is party to the grievance, this responsibility will fall to the Vice-President Governance and University Secretary.

(47) The Investigating officer may conduct further interviews if deemed necessary from parties associated with the grievance, witnesses and any others who may be deemed relevant to the investigation.

(48) The investigating officer is responsible for preparing any allegations in relation to suspected Misconduct or Serious Misconduct which will be presented to the respondent by the Senior Manager or delegate.

(49) The respondent will be provided with 10 working days to respond to the Allegations.

(50) On receipt of the Employee's response to the allegations People and Culture shall provide the Vice-Chancellor with a written report including the Employee's response for determination. A determination will be provided to the employee within 10 working days.

(51) As appropriate, the written report may include risks or issues identified along with options to consider. This may include consideration of training activities, team building, coaching, formal instructions, performance management, investigations or other formal intervention.

(52) Possible outcomes of a formal investigation may include, but are not limited to:

- a. Referral to formal intervention such as performance management or disciplinary action in accordance with [the Agreement](#).
- b. Refer the matter back to the Senior Manager for further actions or management.
- c. Referral to external agencies. While the University aims to resolve grievances internally, employees may seek the assistance of an outside agency at any time. Before doing so, employees are advised to check the jurisdiction and requirements of the agency.

Timeframes and maintaining contact

(53) When an employee lodges a formal grievance or complaint, People and Culture will acknowledge receipt within three (3) working days.

(54) Employee grievances are often complex and multifaceted, therefore timeframes surrounding management of the complaint may vary from case to case. However, timely responses by all parties involved are important during the grievance process.

(55) Throughout a formal resolution process, the case manager or investigating officer must maintain regular contact with the employee, respondent and any other involved parties.

(56) Any party to the complaint or investigation can contact People and Culture at any time for an update on the status of the complaint or investigation.

(57) For gender-based violence matters, all formal reports will be investigated, and a formal conclusion reached within the timeframes stipulated by the [National Higher Education Code to Prevent and Respond to Gender-based Violence](#) and the [Gender-based Violence Response Procedure](#).

Malicious or Vexatious grievances and complaints

(58) All grievances will be assumed to have been raised in good faith. If following initial assessment or further

investigation, it is found that a grievance or complaint has been raised with malicious or vexatious intent, it may be considered misconduct and referred for further action under [the Agreement](#).

Withdrawal of Grievance

(59) An employee may withdraw or cease their grievance at any stage of a local or formal resolution process. To do so, the employee must notify their supervisor, the relevant Senior Executive Team member where appropriate, and/or People and Culture in writing.

(60) Following receipt of a written request to withdraw or cease, the appropriate manager, in consultation with People and Culture, will consider whether the University should cease or continue the process to address the matters raised in the grievance. This may include circumstances where an employee has ceased to be employed by the University.

(61) If the appropriate manager and case manager recommend that the grievance should continue to be investigated the case manager will notify the Director People and Culture whose responsibility it is to make the determination.

Internal appeal/review of outcome

(62) An employee can appeal a decision or request a review of the final outcome. This request must be lodged with the Director People and Culture within five (5) working days of the decision. Requests must be in writing and clearly set out the grounds for review.

(63) Requests for review of all matters excluding gender-based violence, termination of employment, or demotion will be considered by the Director People and Culture or delegate.

(64) Where reasonably practical, the Director People and Culture shall provide a final written response of the review outcome to the employee within fifteen (15) working days of being appointed. This timeframe may be extended if deemed necessary.

Internal appeal/review - gender-based violence

(65) Where a request for appeal or review is received for Gender-Based Violence matters, the University will:

- a. notify a Discloser within 2 business days of the appeal being lodged by the employee requesting to appeal the decision, or for a review of the final outcome.
- b. notify the Discloser of the potential outcomes of the appeal.
- c. For gender-based violence matters, the University will finalise appeals within 20 business days unless an extension has been approved by the Vice-Chancellor.

(66) Unless requested otherwise, the University will notify the Discloser and Respondent of the outcome of the appeal on the same day. Written notice will be provided, unless otherwise requested, which includes the outcome of the decision and, if relevant, sanctions, the reasons for the outcome and the right to make an internal or external complaint, including to the [National Student Ombudsman](#).

Internal appeal/review - termination of employment and demotion

(67) For matters related to termination of employment or demotion where the allegations were denied and the respondent believes that there has been procedural unfairness during the investigation, the respondent may seek an independent review undertaken in accordance with the Agreement.

(68) The respondent may, within five (5) working days of the Vice-Chancellor's written decision, seek a review on the grounds of procedural unfairness. The Employee's application must be in writing to the Director, People and Culture, clearly state where procedural fairness has not been applied, and provide sufficient detail to identify one or more

demonstrable errors in the process.

(69) A review of procedural fairness will be undertaken by a member of the University's Senior Executive Team, as agreed with the relevant Union, or where no Union is representing the respondent, as directed by the Vice-Chancellor.

(70) The Independent Reviewer will provide their review to the Director People and Culture within 5 working days for action in accordance with the Agreement.

External appeal/review of outcome

(71) If the employee is not satisfied with the internal review outcome, they may consider seeking information from an external body, including, but not limited to:

- a. Ombudsman of the Northern Territory.
- b. Office of the Independent Commissioner Against Corruption.
- c. Northern Territory Anti-Discrimination Commission.
- d. Northern Territory Police.
- e. Fair Work Ombudsman.

(72) The relevant equivalent of the above, depending on the State or Territory where the complaint is made.

Section 6 - Non-Compliance

(73) Non-compliance with governance documents is considered a breach of the [Code of Conduct - Employees](#) or the [Code of Conduct - Students](#), as applicable, and is treated seriously by the University. Reports of concerns about non-compliance will be managed in accordance with the applicable disciplinary procedures outlined in the [Charles Darwin University and Union Enterprise Agreement 2025](#) and the [Code of Conduct - Students](#).

(74) Complaints may be raised in accordance with the [Complaints Policy - Students](#) and [Complaints and Grievance Policy and Procedure - Employees](#).

(75) All staff members have an individual responsibility to raise any suspicion, allegation or report of fraud or corruption in accordance with the [Fraud and Corruption Control Policy](#) and [Whistleblower Reporting \(Improper Conduct\) Procedure](#).

Status and Details

Status	Current
Effective Date	3rd September 2026
Review Date	3rd September 2029
Approval Authority	Vice-Chancellor
Approval Date	1st September 2026
Expiry Date	Not Applicable
Responsible Executive	Fiona Coulson Vice-Chancellor
Implementation Officer	Peta Preo Director People and Culture
Enquiries Contact	Peta Preo Director People and Culture

Glossary Terms and Definitions

"University" - Charles Darwin University, a body corporate established under section 4 of the Charles Darwin University Act 2003. The University is comprised of the various faculties, CDU TAFE, organisational units, and formal committees, including the governing University Council and Academic Board.

"Governance document" - means policy or procedure published in the Governance Document Library. Policies and procedures are collectively called 'governance documents' and are often referred to as 'policy' or 'University policy'.

"Gender-based violence" - Gender-based violence means any form of physical or non-physical violence, harassment, abuse or threats, based on gender, that results in, or is likely to result in, harm, coercion, control, fear or deprivation of liberty or autonomy. Gender-based violence includes many acts of violence that are based on gender, and might include physical violence or abuse; sexual violence, abuse or harassment; sex-based harassment; emotional or psychological abuse; verbal abuse or threats; economic or financial abuse; stalking or monitoring; intimate partner violence; family and domestic violence; technology-facilitated abuse; coercive control; sexual trafficking; reproductive coercion; female genital mutilation; forced medical interventions; forced marriage; and/or a pattern or patterns of abusive behaviour. Intimate relationships where one person has supervisory, oversight, academic, or other decision-making responsibilities in relation to the other person can amplify or give rise to gender-based violence, including relationships that are or appear to be consensual.

"Victim survivor" - Victim survivor is a term used to describe a person against whom violence has been perpetrated including a child or young person. The term is often used to recognise a victim survivor's agency and individual capacity (Domestic, Family and Sexual Violence Action Plan 2, NT Gov).

"Respondent" - Respondent means a person against whom there is a complaint or an allegation of misconduct.

"Antisemitism" - Antisemitism is discrimination, prejudice, harassment, exclusion, vilification, intimidation or violence that impedes Jews' ability to participate as equals in educational, political, religious, cultural, economic or social life. It can manifest in a range of ways including negative, dehumanising, or stereotypical narratives about Jews. Further, it includes hate speech, epithets, caricatures, stereotypes, tropes, Holocaust denial, and antisemitic symbols. Targeting Jews based on their Jewish identities alone is discriminatory and antisemitic. Criticism of the policies and practices of the Israeli government or state is not in and of itself antisemitic. However, criticism of Israel can be antisemitic when it is grounded in harmful tropes, stereotypes or assumptions and when it calls for the elimination of the State of Israel or all Jews or when it holds Jewish individuals or communities responsible for Israel's actions. It can

be antisemitic to make assumptions about what Jewish individuals think based only on the fact that they are Jewish. All peoples, including Jews, have the right to self-determination. For most, but not all Jewish Australians, Zionism is a core part of their Jewish identity. Substituting the word "Zionist" for "Jew" does not eliminate the possibility of speech being antisemitic.