

# Members Complaints and Dispute Resolution Policy

## 1. Purpose of policy

- 1.1. The procedures outlined in this Policy aim to achieve consistent treatment for Members of Macquarie Conservatorium in the handling of complaints, and to provide a procedure to follow for resolution in the event a dispute arises.

## 2. Commencement of Policy

- 2.1. This Policy will commence from 3/05/2016. It replaces all other complaints & dispute resolution policies for Members of Macquarie Conservatorium of Music Inc ('Macquarie Conservatorium') (whether written or not).

## 3. Application of the Policy

- 3.1. This Policy applies to Members of Macquarie Conservatorium.
- 3.2. This Policy does not apply to complaints related to discrimination, harassment or bullying. If such a complaint arises, refer to the Anti-Discrimination and EEO Policy or the Workplace Bullying Policy, which outline specific procedures to deal with those complaints.
- 3.3. This Policy does not apply to allegations of child mistreatment or abuse. If such an allegation arises, refer to the Complaints Procedure for Allegations of Child Mistreatment or Abuse.

## 4. What is a complaint?

- 4.1. A complaint can be about an act, behaviour, omission, situation or decision relating to Macquarie Conservatorium that the Member thinks is unfair, unjustified, unlawful, and/or a breach of policy.
- 4.2. A complaint can be in relation to an act, behaviour, omission, situation or decision made by or involving a Member, Board Member, employee or volunteer of Macquarie Conservatorium.

## 5. Dealing with complaints

- 5.1. Macquarie Conservatorium recognises that individual and group problems may arise from time to time. Accordingly, Macquarie Conservatorium will endeavour to ensure that Members have access to processes for the resolution of complaints relating to themselves and Macquarie Conservatorium.
- 5.2. As such, Macquarie Conservatorium will endeavour to:
  - a) assist Members who come forward with complaints;
  - b) deal with complaints in a supportive way, without victimisation or intimidation of any person connected with the complaint;
  - c) encourage fairness, impartiality and the resolution of complaints as reasonably promptly and as close as possible to the source of the complaint; and
- 5.3. Macquarie Conservatorium cannot assist a Member to resolve a complaint or dispute, if the complainant remains anonymous. Macquarie Conservatorium must follow the principles of natural justice and be fair to both sides. With regard to a complaint, this means that Macquarie Conservatorium or the complainant will be required to provide the person/people who are the subject of the complaint with

full details of the complaint, so they have a fair chance to respond to all allegations made against them.

5.4. Macquarie Conservatorium will endeavour, if appropriate, to resolve the complaint or dispute in line with the following procedure:

## 6. Complaints & dispute resolution procedure

<p><b>6.1 Preliminary steps</b></p>	<p><b>Attempt to resolve the issue yourself</b></p> <p>If the Member feels comfortable in doing so, they should attempt to address the issue directly with the person(s) involved in the complaint. The Member may find the other person was not aware of their complaint and the matter can be resolved directly.</p> <p><b>Report the complaint to management</b></p> <p>If the Member does not feel comfortable talking to the person(s) involved, or they have tried to and it was ineffective in resolving the complaint, or if there is no other person involved in the complaint, the complainant should report the complaint to a Macquarie Conservatorium Contact Person. The Contact Persons include:</p> <ul style="list-style-type: none"> <li>• The Director of Macquarie Conservatorium</li> <li>• The Chair of the Board of Macquarie Conservatorium</li> </ul> <p>The complaint must be reported to the Contact Person in writing, and receipt of the complaint will be logged in the Macquarie Conservatorium Complaints Register. Contact details for making this written complaint report are recorded at the end of this policy.</p> <p>After reporting a complaint, the Contact Person will use reasonable endeavours to conduct an initial meeting with the Member to:</p> <ul style="list-style-type: none"> <li>• obtain information about the Member’s complaint and what the Member considers will resolve it;</li> <li>• explain how the complaint &amp; dispute resolution procedure works;</li> <li>• decide if they are the appropriate person to handle the complaint. This includes considering whether they have the necessary authority and can deal with the complaint in an impartial manner. If the Contact Person feels they cannot effectively handle the Member’s complaint they will refer the matter to the alternate Contact Person, or to an external investigator.</li> </ul> <p>Where it is not practical to conduct such a meeting in person, the Contact Person may carry out these steps by telephone or by written correspondence.</p> <p>Once a meeting has been conducted as above, or the steps taken as above, the Contact Person may commence one of the procedures outlined below that is regarded as suitable for dealing with the complaint.</p>
<p><b>Step 1</b></p>	<p><b>Informal procedure</b></p> <p>The informal procedure involves a range of informal actions to resolve the complaint. Such actions will depend on the individual circumstances of the complaint. Possible actions include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• the Contact Person discussing the issue with the person against whom the complaint is made; and/or</li> <li>• the Contact Person facilitating a meeting between the parties in an</li> </ul>

	<p>attempt to resolve the issue and move forward.</p> <p>Many complaints are able to be resolved through the informal procedure. However, in circumstances where the Contact Person considers the informal procedure is not appropriate, and the complaint is sufficiently serious, the complaint may be moved to the formal procedure.</p>
<b>Step 2</b>	<p><b>Formal procedure – Investigation</b></p> <p>If the complaint is not able to be resolved through the informal procedure or the informal procedure is not appropriate, the formal procedure may be commenced.</p> <p>The formal procedure involves a formal investigation of the complaint and a decision about appropriate actions and outcomes.</p> <p>The investigation generally involves collecting information about the complaint and then making a finding based on the available information. Once a finding is made, the Contact Person or an external investigator will make recommendations about the complaint.</p>
<b>Step 3</b>	<p><b>Appeal</b></p> <p>In the case of formal investigation conducted by the Director as contact Person, if the Member is dissatisfied with the outcome of the formal investigation, they may appeal the decision to the Chair of the Board of Macquarie Conservatorium.</p> <p>If the Member is dissatisfied with the outcomes of their appeal to the Chair, or with the outcome of formal investigation conducted by the Chair as Contact Person, the matter will be referred to an external mediator.</p>
<b>Step 4</b>	<p><b>Referral to external mediator</b></p> <p>Where all parties to the complaint (including Macquarie Conservatorium) agree that mediation may be appropriate in resolving the complaint, the complaint may be referred to an external mediator. The agreement of all parties to refer the complaint to an external mediator must include agreement on responsibility for meeting any costs of external mediation.</p>

## **7. Other procedural issues**

### Access to support and representation

- 7.1. The Member and any other person involved in the complaint can seek advice from a support person at any stage during the complaint process. The Member and others involved can bring a support person to a complaint meeting if so desired, but the support person may not take an active role in the procedure. The support person may not have any personal involvement or conflict of interest in the matter of the complaint. The support person is governed by all other directions in this policy.

### Work, activities and/or tuition to continue

- 7.2. Work, enrolment in tuition and/or participation in Conservatorium activities will continue as normal while a complaint is being dealt with under this Policy. All persons affected by the complaint are expected to co-operate with Macquarie Conservatorium to ensure the efficient and fair resolution of the complaint.

### Victimisation

- 7.3. Disciplinary action will be taken against any person who victimises or retaliates against a person who has lodged or is involved in a complaint issue under this Policy.

Such action may include termination of employment for staff, or suspension of membership and/or enrolment for Members.

#### Confidentiality

- 7.4. The Contact Person(s) will endeavour to maintain confidentiality as far as possible. However, it may be necessary to speak with other Members or Conservatorium employees/contractors in order to determine what happened, to afford fairness to those against whom the complaint has been made and to resolve the complaint.
- 7.5. All Members and Conservatorium employees/contractors involved in the complaint must also maintain confidentiality, including the Member who lodges the complaint. The complainant may discuss the complaint with a designated support person or representative. However, the support person or representative must also maintain confidentiality.
- 7.6. If a person breaches confidentiality they may be disciplined as above.

#### Documentation

- 7.7. Any documents that need to be gathered for use during the dispute resolution procedure will be stored by the Contact Person in a secure place. Where considered appropriate, agreed resolutions of complaints arising from the informal procedure may be recorded and signed by all parties. A record of any disciplinary action that is taken arising from a formal investigation will be placed on the personnel file of any Conservatorium employee who is disciplined. Generally, it will not be necessary to put records of a complaint on a Member's file, unless there is some disciplinary action taken as a result of the complaint.

#### Possible Outcomes

- 7.8. The outcomes will depend on the nature of the complaint and the procedure followed to address the complaint. Where an investigation results in a finding that a person has engaged in conduct in breach of a Macquarie Conservatorium Policy, that person may be disciplined. The type and severity of disciplinary action will depend on the nature of the complaint and other relevant factors. Where the investigation results in a finding that the person complained against has engaged in serious misconduct, this may result in instant dismissal. Any disciplinary action is a confidential matter between the affected person(s) and Macquarie Conservatorium.
- 7.9. Macquarie Conservatorium may take a range of other non-disciplinary outcomes to resolve a complaint. Examples include, but are not limited to:
  - a) training to assist in addressing the problems underpinning the complaint;
  - b) monitoring to ensure that there are no further problems;
  - c) implementing a new policy;
  - d) requiring an apology or an undertaking that certain behaviour stop; and/or
  - e) changing work, tuition or activity arrangements.

### **8. Breach of this Policy**

- 8.1. Once a complaint is registered in writing, and/or the dispute resolution procedure has begun, and /or a disciplinary process has begun, any person involved in the complaint or procedure will be in breach of this policy if they:
  - 8.1.1. make a complaint or allegation they knew or should have known to be untrue, vexatious, malicious or improper;
  - 8.1.2. fail to follow Macquarie Conservatorium policies and procedures;
  - 8.1.3. victimise another person for reporting a complaint;

- 8.1.5. engage in an inappropriate relationship with a person involved in the complaint or dispute resolution procedure;
- 8.1.6. disclose to any unauthorised person or organisation any Macquarie Conservatorium information that is of a private, confidential or privileged nature;
- 8.1.8. fail to comply with a direction given to the person or group during the dispute resolution procedure and/or a disciplinary process.
- 8.1.2. bring Macquarie Conservatorium into disrepute;
- 8.2. Disciplinary action will be taken against any person who is in breach of this policy as above. Such action may include termination of employment for staff, or suspension of membership and/or enrolment for Members.
- 8.3. Breach of this policy may result in the suspension of any further action regarding the complaint.

**Contact details**

To report a complaint, please contact either of these Contact Persons:

By email:

The Director, Macquarie Conservatorium: [director@macqcon.org.au](mailto:director@macqcon.org.au)

The Chair, Board of Macquarie Conservatorium: [chair@macqcon.org.au](mailto:chair@macqcon.org.au)

By mail:

CONFIDENTIAL

The Director / The Chair

Macquarie Conservatorium

PO Box 661 Dubbo NSW 2830

*Reviewed and approved by Macquarie Conservatorium Board: 6 March 2018*