



POLICY ON STAFF COMPLAINTS

November 2021

1. INTRODUCTION

- 1.1 The University of Saint Joseph (hereafter termed 'The University; or 'USJ') is committed to safeguarding a decent and friendly working environment and promoting mutual respect and cooperation among all its members, and it upholds the right of all its members to receive appropriate academic, professional, support and administrative services.
- 1.2 The University welcomes feedback; in the interests of collegiality and mutual understanding it seeks resolution of disagreements and unsettling differences.
- 1.3 The University upholds the rights of its staff to express dissatisfaction about matters in the University, for example, but not limited to: programmes, facilities, services, operations, conduct, activities, management in the University, or its action or lack of actions or omissions in reaching high standards and quality in its work.
- 1.4 Any staff member of the University has the right to file a complaint of any perceived misconduct and to file a dispute on, or complaint about an action of another staff member or party in the University if he or she has a reasonable ground to believe that the misconduct or action is an infringement of his or her rights or a violation of the laws of Macao, regulations of the University, generally recognised basic standards of ethics in a civilised society, or on other grounds that the Complaint deems to be legitimate.
- 1.5 The University provides a variety of informal mechanisms for dispute resolution and complaint settlement, including private counselling, peer consultation, mediation and reconciliation. Filing a formal complaint or dispute may start a lengthy formal process of investigation within the University, and the Complainant might benefit from considering these alternatives before filing a Complaint, i.e. lodging a complaint only when other solutions have failed or been deemed to be inappropriate.

2. DEFINITIONS

- 2.1 The *University* is the University of Saint Joseph, in Macao.
- 2.2 A *Staff member* is a person currently employed by the University of Saint Joseph or a former staff member who has left the University within one month immediately prior to lodging the complaint; this includes External Examiners, Visiting Academics and Adjunct staff when they are involved in the work of the University.
- 2.3 A *Student* is a person who is actively enrolled in a programme of the University and in good standing with payment of University fees, including exchange students.
- 2.4 A *Staff Complaint* is a written adverse expression, signed by the Complainant(s), of dissatisfaction with an issue, incident, or event(s) at the University, practices and operations of the University, the standard and quality of service or facility provided by the University, including, but not limited to: academic and non-academic; administration; quality of the facilities, resources and services of the University; conduct of University staff or staff(s); failure to meet obligations as set out in University documents; unfair discrimination; treatment of a member of the University; management practices.



- 2.5 An *Appeal* is where one or more of the Parties is dissatisfied with the outcome of the Complaint and sends a formal request to the Case Officer to take further action to review the outcome of the Complaint, providing supporting evidence, reasons and grounds for the Appeal. An Appeal is one part of the whole Complaints procedure.
- 2.6 A *Complainant* is the person or persons making the formal complaint. The person or persons must be a currently registered staff member of the University or a former staff member who has left the University within one month immediately prior to lodging the complaint. In the event of a group of staff members lodging a complaint, the group must appoint one member to be the nominal Complainant who receives all communications on behalf of the group. External Examiners, Visiting Academics and Adjunct staff are included here only with regard to when and only when, they are involved in the work of the University for which they are contracted to provide.
- 2.7 The *Respondent* is the person, persons, office, unit or corporate entity who or which is the subject of the formal complaint. If the Respondent is an office, group, unit or corporate entity, then an appropriate member of that should be identified as the correspondent and representative. External Examiners, Visiting Academics and Adjunct staff are included here only with regard to when and only when, they are involved in the work of the University for which they are contracted to provide.
- 2.8 The *Case Officer* of the Complaint is the person who receives and handles the Complaint, which may vary according to the stage or formality of the Complaint (see Procedures for Handling Complaints. For Stage 1, the Case Officer may be the Programme Coordinator, Head of Department, Head of the administrative or support office. For Stage 2, the Case Officer may be the Dean, Line Manager of the administrative or support office. For Stage 3, it is the appropriate Vice-rector for Academic Affairs if it an academic matter, or Administrator if it is an administrative matter. In the event of the Complaint and/or the Appeal being against any of the parties who are the Case Officers, Line Managers or Panel Members, then the Case Officer's more senior Line Manager appoints a replacement Case Officer/Panel Member who is not a member of the Complainant's or Respondent's unit/office.
- 2.9 The *Panel Member* is a member of the party or group that is investigating the Complaint, and who is a staff member of the University and/or, in exceptional circumstances, not a member of the University. The Panel Member is appointed by the Case Officer, and may not be drawn from the same unit/office as the Complainant or the Respondent.
- 2.10 The *Complaints Office* is the secure repository of documents concerning Complaints, access to which requires the written permission of the appropriate Vice-rector or, where relevant, the Administrator or Rector.
- 2.11 The *Complaints Procedure* is the procedure invoked by the University to handle the Complaint, from its inception to its completion or termination.
- 2.12 *Mediation/conciliation* are voluntary processes, in which an independent, impartial third party made up of one or more staff members within the University is appointed to assist relevant parties to try to reach a resolution that is mutually acceptable to, and agreed upon, by those parties. Mediation/conciliation may end by one of the following: (a) concluding an agreement between the Complainant and the Respondent; (b) notice by one or more of the parties (Mediator, Complainant, Respondent) that the mediation is no longer justified or workable; (c) expiry of the 10 working days of the appointment, unless all the parties consent to an agreed extension period of this appointment.



- 2.13 The *Rector* has the power to take decisions on any matters not expressly set out or provided for in this policy. The Rector should be apprised, in a timely manner, by the Case Officer, of actions and implications of Complaints received and adjudications made, that might have an impact on University matters.

3. PURPOSE

The purposes of this policy are:

- 3.1 to clarify, set out and inform the University's position on, key principles and procedures for handling Staff Complaints;
- 3.2 to set out the procedures whereby staff of the University can formally express dissatisfaction about, and seek consequent solutions to, programmes, facilities, services, conduct, activities, management in the University, or its action or lack of actions or omissions in reaching high standards and quality in its work;
- 3.3 to set out the stages whereby more problematic Staff Complaints are handled, that is, where the Staff Complaint is considered to be complex, to involve many issues and/or parties, and where the Staff Complaint is deemed to be of a particularly serious nature.

4. PRINCIPLES

- 4.1 The University is committed to continuous improvement; in this, it strives for the operation of reason and the resolution of matters, disagreements and discord that are within its scope and power.
- 4.2 Parties involved in a Staff Complaint have responsibilities, entitlements and rights. These apply, as appropriate, to:
 - i. seeking support, advice and representation;
 - ii. being accompanied (but not represented) by a support person at meetings concerning the Complaint at which the Complainant or Respondent is present; that person must be a staff member of the University (in exceptional cases, as approved by the University, it may be a person who is not a member of the University);
 - iii. lawfulness, fairness and efficiency: the University's procedures for the handling and settlement of complaints and disputes must be lawful, fair and efficient. The University and all parties involved shall abide by the laws of Macao as well as the University's regulations and policies and respect the terms of reference in any contract. The procedures shall be fair to both parties and the stakeholders of the University. A dispute shall be settled in an efficient way without undue delay and causing the least possible damage to the friendly working environment and the best interests of the parties involved;
 - iv. being treated with politeness, respect, sensitivity and fairness at all times, and without fear of recrimination when expressing their views;
 - v. parties conducting themselves with politeness, respect, sensitivity, appropriate empathy, rapport, cooperation and fairness;
 - vi. having the Complaint investigated in a thorough, timely, fair, systematic and consistent manner;



- vii. making the Complaint in a measured, calm, courteous, reasonable, objective, non-aggressive, non-biased, non-defensive, non-prejudiced, non-defamatory manner;
 - viii. providing and receiving full, accurate, relevant and timely information at all stages of the process of the Complaint;
 - ix. being honest and telling the truth, the whole truth, nothing but the truth, and without misrepresentation;
 - x. receiving in writing the decisions made on the Complaint, mindful of laws of data protection, privacy, disclosure, and the rights of confidentiality;
 - xi. appealing the outcome of the Complaint within the procedure of the University;
 - xii. ensuring that the Staff Complaint is made in good faith and is not vexatious, frivolous and/or malicious;
 - xiii. ensuring that no action is taken that may prejudice the situation or which might be regarded as an act of recrimination against another party;
 - xiv. ensuring that Complainant is not unfairly disadvantaged by having lodged the Complaint.
- 4.3 Staff Complaints will be investigated seriously, fully, fairly, impartially and within a reasonable time frame (see: Procedures for Handling Complaints).
- 4.4 Staff Complaints must be made by the staff member herself/himself. Only in exceptional circumstances may they be lodged on behalf of the staff member(s) by another party, and, in those circumstances, they must have the written consent of the Complainant.
- 4.5 Staff Complaints cannot normally be lodged anonymously. The University has the right to decide whether, in exceptional cases and/or if a compelling case has been made, together with evidence that can be verified, the Staff Complaint can be considered if it is lodged anonymously.
- 4.6 Staff Complaints must state explicitly, and with evidence, the reasons and grounds for the Complaint. Hearsay evidence is inadmissible and no ground for making a Complaint.
- 4.7 Staff Complaints should endeavour to be resolved through mediation where possible and appropriate, on an informal basis at first, and taking it further if an informal resolution turns out to be fruitless or inappropriate. The principle of subsidiarity is applied wherever possible, so that an over-bureaucratic, protracted approach is avoided and so that complaints are addressed straightforwardly and seriously by appropriate parties within the University.
- 4.8 Data from Staff Complaints should be retained for a minimum of five years subsequent to the end of the Complaint process.
- 4.9 Complaints which are found to be malicious, trivial, vexatious, obsessively persistent, threatening, intimidating, defamatory, are open to penalties under the Regulations for Staff Conduct.
- 4.10 Normally, communication on the Complaint is by correspondence and written evidence, though formal face-to-face meetings may be conducted (see: Procedures for Handling Complaints).



- 4.11 The investigation of the Complaint may involve advice from, and involvement of, specialists or relevant parties in the area concerned. They are bound by the rules of confidentiality, privacy and non-disclosure.
- 4.12 Mediation/conciliation may be offered by the University and/or requested by the Complainant and/or the Respondent. Decisions on whether to offer mediation/ conciliation are taken by the University, recognizing that, for some complaints, this may not be appropriate.
- 4.13 Initial consultation: it is highly recommended that anyone who plans to file a complaint or dispute, first consults his or her superior, the head of the relevant office, the Dean, or a member of the Executive Council of the University. This informal consultation shall be private and confidential unless reporting to the employer or disclosure to the public authorities is specifically required by a contract or written policy of the University or the law of Macao.
- 4.14 Formal meetings concerning the investigation and other parts of the Complaint procedure will be minuted, together with any documents brought to the meeting(s).
- 4.15 Generally, parties named in a Complaint have a right to know that they are being named, and by whom, to know the content of the Complaint, to have the right to representation, and to have the right to be heard.
- 4.16 In the event of there being no response from a Complainant after 60 days of correspondence to the Complainant, the Complaint will be terminated.
- 4.17 Any member of staff who believes an incident of misconduct or wrongful action has violated the law of Macao may seek legal remedies in a court of law, with or without filing a complaint or dispute to the University. It is helpful if he or she notifies the University. Anyone who believes he or she has become a victim of crime because of an incident of misconduct concerning the University should report it to the police in Macao, with or without filing a complaint to the university (it is helpful if he or she notifies the University). If the Complaint involves the police or judiciary, the University will suspend the Complaints Procedure until that is completed, and will review whether to continue with the Complaint.
- 4.18 If, in the view of the University, the Complaint would be handled more appropriately in a different forum, the University will suspend or terminate the Complaints Procedure.
- 4.19 If, despite in-depth and sustained efforts to acquire evidence, it is not possible to gather sufficient evidence to resolve the Complaint, the Complaint will be terminated. This does not indicate that the University is calling into question the Complaint, only that there is insufficient evidence to proceed safely.
- 4.20 If the Complaint has been completed previously, it will not be continued a further time, unless the University considers that it has grounds to do so.
- 4.21 Burden of proof: the burden of proof is always with the party who claims a fact or initiates an action against the other party. If the party fails to prove the fact or justify the action beyond a reasonable doubt, then he or she shall lose the case.
- 4.22 Where a Complaint is upheld, the University will take prompt action to remedy the situation, as appropriate. If the Complaint is upheld against a member of staff, the member of staff and the University are expected to take immediate action to remedy the situation. If disciplinary or corrective action is recommended against any party, then the approval for this must be given by the Rector.



- 4.23 The Complainant has the right to appeal the decision on a Complaint (Stages 2 and 3 of the Procedure for Handling Complaints), based on one or more of the following grounds: (a) there were procedural irregularities in the handling of the Complaint; (b) new material has been produced that was not available previously; (c) the decision was unreasonable or inappropriate, given the evidence provided; (d) there is evidence of bias and/or prejudice in considering the Complaint.
- 4.24 Where a Complaint is found not to be upheld, the Complainant will be informed in writing of the reasons for this, and will be informed of the right to appeal the decision.
- 4.25 Decisions made by the final appeal body (Stage 3 of the Complaint) are final and may not be appealed, and the Complainant will be informed of this in writing. The University will issue a letter of completion of the Complaint to the relevant parties in the Complaint.
- 4.26 The University is not liable for costs incurred by the Complainant in preparing for, conducting, and following up on the Complaint.
- 4.27 The Complainant may withdraw the Complaint at any time during the Complaint process, without prejudice, though the University may continue to investigate matters raised by the Complaint if it wishes to protect its (the University's) own interests.
- 4.28 In the event of there being a possible bias or conflict of interest in the person or persons investigating and adjudicating the Complaint, the University retains the right to appoint one or more replacement persons to conduct the Complaint process.
- 4.29 Complainants and Respondents needing assistance because of disabilities and/or communication problems should be offered assistance, which might include having someone to act on their behalf.
- 4.30 Confidentiality and restrictions on identity and identification of people and parties must be respected, within the laws of Macao; all parties involved in the Complaint have a duty of appropriate confidentiality to the Complainant, the Respondent, the Case Officer and other individuals involved. Any communication and discussions with other parties should be on a legitimate 'need to know' basis, e.g. for the investigation to proceed, and with due clearances and permissions obtained.
- 4.31 Audio and video recordings of meetings concerning the Complaint are not normally permitted, exceptional in exceptional circumstances, and such recordings must be kept securely in the Complaints Office and with restricted access.
- 4.32 The Principles and Procedures of the Complaints Policy and Procedure are subject to the laws of Macao SAR.

5. SCOPE

- 5.1 This policy applies to:
- (i) all Staff who are current members of the University or former Staff who fall within the specified timeframe for lodging a Staff Complaint;
 - (ii) all the programmes, units, facilities, operations, services conduct, activities, actions that are provided by, or directly concern, the University;
 - (iii) all staff of the University, including Visiting Academics and those involved in teaching or supervisory responsibilities.



- 5.2 This policy does not apply to allegations of, and/or Complaints about, bullying, harassment, discrimination, grievance, safety, or discrimination, as these have their own policies and procedures.
- 5.3 This policy does not apply to Complaints about Staff that are part of the Staff Code of Conduct, as this has its own policies and procedures.
- 5.4 This policy does not apply to staff appeals against breaches of academic integrity, as these have their own policies and procedures.
- 5.5 This policy does not apply to staff private accommodation arrangements, as these have their own policies and procedures.
- 5.6 The University retains the right to transfer the Complaint to another channel for investigation if it deems that other channel to be more appropriate for the matter in question.

6. TIME SCALES

- 6.1 Staff of the University may make a Complaint about an issue, incident or event that occurs or has occurred whilst they are members of the University or for those who have left the University within one month immediately prior to their lodging the Complaint.
- 6.2 The Complaint must be submitted within three months of the occurrence of the issue, incident or event for which the Complaint is being made.
- 6.3 In exceptional, extenuating and extreme cases (e.g. serious illness), the University may consider receiving a Complaint lodged after the normal time period.
- 6.4 The time scales for handling the case accord with the different stages of the Complaint (see: Procedures for Handling Complaints).

7. PROCEDURES

- 7.1 The University's procedures for handling Complaints are set out in Annex 1. Complaints are handled by the parties with appropriate expertise and background, acting on behalf of the University.
- 7.2 The party/ies for considering Complaints and the decisions on them depend on the nature and contents of the Complaint.
- 7.3 The procedures for handling Complaints, set out in Annex 1, are subject to change at the discretion of the University; such changes must be brought to, and approved by, the Executive Council.

8. ROLES AND RESPONSIBILITIES

- 8.1 The Case Officer, in Stages 1 and 2 considers whether to move forward with the Complaint, by deciding:
 - i. whether there is substance to all or part(s) of the Complaint;
 - ii. whether there is no substance to the Complaint.

In the event of (i), the Case Officer: (a) activates the Complaint and informs the Complainant and the Respondent of this in writing; (b) conducts the investigation; (c) comes to a final



decision on the Complaint and informs the relevant parties of the outcome; (d) lodges a full report and complete supporting documentation in the Complaints Office; (e) alerts relevant parties in the University for follow-up action, if necessary. This includes setting up and ensuring the operation of mediation/conciliation, where relevant.

In the event of (ii), the Case Officer: (a) dismisses the case and informs the Complainant and Respondent of this in writing, explaining the reasons for this, and indicates the appeal that the Complainant can make against the decision; (b) lodges a full report and complete supporting documentation in the Complaints Office; (c) alerts relevant parties in the University for follow-up action, if necessary.

8.2 The Case Officer, in Stage 3, decides:

- iii. whether there is substance to all or part(s) of the Appeal;
- iv. whether there is no substance to the Appeal.

In the event of (iii), the Case Officer: (a) activates the Appeal and informs the Complainant and the Respondent of this in writing; (b) conducts the Appeal; (c) comes to a final decision on the Appeal and informs the relevant parties of the outcome; (d) lodges a full report and completes supporting documentation in the Complaints Office; (e) alerts relevant parties in the University for follow-up action, if necessary.

In the event of (iv), the Case Officer: (a) dismisses the Appeal case and informs the Complainant and Respondent of this in writing, explaining the reasons for this, and indicates that the Complaint is now closed; (b) lodges a full report and completes supporting documentation in the Complaints Office; (c) alerts relevant parties in the University for follow-up action, if necessary.

8.3 The Case Officer should, impartially and objectively: (a) meet the Complainant within 3-5 working days of receiving the Complaint; (b) clarify the Complaint, if necessary; (c) decide the seriousness of the Complaint, e.g. whether it can and should be resolved informally; (d) indicate whether the Complaint be resolved immediately; (e) ensure that a complete and sufficiently detailed record is kept of the progress and contents of the Complaint and its investigation; (f) request more information where deemed necessary; (g) coordinate, monitor and report the investigation; (h) take action to resolve the complaint (e.g. mediation/conciliation) where deemed appropriate; (i) come to a decision on whether to uphold or reject the Complaint, with reasons; (j) inform the appropriate parties of the decisions made; (k) report as required; (l) take follow-up actions as required; (m) take legal advice where appropriate.

8.4 The Case Officer may bring in no fewer than two and no more than four Panel Members to assist with the investigation and adjudication of decisions made. For Stage 1 this is optional; for Stages 2 and 3 this is a requisite.

8.5 The Panel Member follows the instructions and advice given by the Case Officer with regard to investigating the Complaint, which might include liaising with, and involving, other parties inside and outside the University. With regard to decision making, the Panel Member gives advice to the Case Officer. The Case Officer must seek advice of the Panel Members before coming to an adjudication on the Complaint; if the Case Officer wishes to conduct an adjudication by vote, then the Case Officer has the casting vote.

8.6 The Complainant must raise the Complaint with the appropriate party and: (a) ensure that the Complaint is specific, detailed, concrete, explicit, with evidence provided (including



when, where, with whom, what happened, with what impact and on what/whom, witnesses), and in writing; (b) indicate against whom/what the Complaint is being made; (c) indicate the reason(s) for the Complaint; (d) make it clear what the Complainant wants from the outcome, e.g. indicating how the matter can be resolved.

- 8.7 The Respondent should cooperate with the investigation wherever deemed appropriate, including, for example providing more information, explanations, and documents.
- 8.8 The Rector requires an annual report on the operations of the Complaints Office, the Complaints that have been handled, the outcomes and actions taken.

9. POSSIBLE OUTCOMES

- 9.1 If the Complaint has been accepted as falling under this policy, and is not resolved by mediation/conciliation, or is not withdrawn by the Complainant, or is not resolved by negotiation, then outcomes indicated below apply.
- 9.2 Outcomes will vary by the stage of the Complaint (see: Procedures for Handling Complaints). These can include:
- i. The Complaint (which can include the Appeal) is upheld.
 - ii. The Complaint (which can include the Appeal) is rejected.
 - iii. Action is taken as a consequence of the Complaint being upheld.
 - iv. Action is taken as a consequence of the Complaint being rejected.
- 9.3 Complaints will be upheld if, in the view of the Case Officer, the evidence provided supports the Complaint beyond reasonable doubt. Complaints will be rejected if, in the view of the Case Officer, the evidence provided renders the Complaint to have a reasonable doubt (for whatever reason, e.g. lack of evidence).
- 9.4 If the Complaint is upheld, then action taken by the Case Officer is subject to the disciplinary procedures of the University and can include, but is not limited to:
- i. installing mediation/conciliation;
 - ii. handling an Appeal against the result of the Complaint;
 - iii. requesting an apology from the Respondent;
 - iv. correcting error(s) made by the appropriate party/ies;
 - v. imposing penalty/ies against the Respondent: the penalties imposed depend on the gravity of the Complaint, and must be reasonable and proportionate;
 - vi. taking action on the problem for which the Complaint has been upheld.

With regard to setting a penalty, the Case Officer may seek advice from relevant parties and it must be approved by the Rector.

- 9.5 Action taken by the Case Officer, if the Complaint is rejected, can include, but is not limited to:
- i. taking no action from the Complainant;
 - ii. requesting an apology from the Complainant;
 - vii. correcting error(s) made by the appropriate party/ies;



- iii. imposing penalty/ies against the Complainant: the penalties imposed depend on the gravity of the Complaint, and must be reasonable and proportionate;
- iv. requesting action by the Respondent.

With regard to setting a penalty, the Case Officer may seek advice from relevant parties and it must be approved by the Rector.

- 9.6 The report from the Case Officer should include, but not be limited to: the nature and content of the Complaint; the stages (e.g. 1, 2, 3) addressed in the Complaint; the reasons for the Complaint; the investigations and meetings undertaken as part of the procedure; the parties and Panel Members involved; the decisions taken on the complaint; the outcomes of the Complaint; the action recommended and taken as a result of the Complaint. The report should be accompanied by all the documents and evidence used that pertained to the Complaint.
- 9.7 Outcomes must be within the Law of Macao and the Regulations and Policies of the University.
- 9.8 If Complainants or Respondents feel aggrieved by the decision on the Complaint, they may wish to lodge a grievance.

10. REFERENCE

This policy should be read in conjunction with: University Policies and Regulations; Equality and Diversity Policy; the Anti-discrimination, bullying and anti-harassment policies; the policy on grievances; the Code of Conduct for staff and students; the policy on staff appeals; the policy on health and safety; the policy on admissions; the policy on staff accommodation.

11. REVIEW

This policy takes effect from XXX and is subject to ongoing review and amendment as appropriate. Amendments to this policy are made by the Executive Council in response to advice and recommendations from across the University.

Author: Executive Council

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Version number: Policy on Staff Complaints, Version 001



ANNEX 1: PROCEDURES FOR HANDLING STAFF COMPLAINTS

The procedures for handling Staff Complaints have three stages, moving from the informal to the formal and operating on the principle of subsidiarity. It is advised that Stage 1 be undertaken stage before Stage 2, though this is not a formal requirement.

Stage 1: Informal Complaint

Stage 2: Formal Complaint

Stage 3: Review (Formal Appeal)

STAGE 1: INFORMAL COMPLAINT (COMPLAINT FORM USED)

This involves a direct approach to, and meeting with, the Respondent, which may or may not involve a third party. If a third party is involved then the meeting should be with a Programme Coordinator, Head of Department, Head of Office, or an equivalent member of staff. If the Complainant is unclear on to whom to send the Complaint, then he/she can send a request for clarification to: complaints@usj.edu.mo, and the request will be transferred to the appropriate person for a response.

- Step 1:** The Complainant raises the matter informally with the Case Officer (e.g. the Programme Coordinator, Department Head, Head of Office). The Case Officer should decide whether the issue is more fitting to be dealt with by a different party in the University (e.g. a Disciplinary Committee, a Stage 2 group, an Appeals Committee). The Complaint must be made in writing (see Annex 2), and with other documentation considered by the Complainant to be relevant and appropriate. The Case Officer should meet the Complainant within 5 days of receiving the Complaint.
- Step 2:** The parties involved meet to consider the Complaint and/or to consider, if agreed, to undertake mediation/conciliation.
- Step 3:** If the Complaint is resolved, the Case Officer files a report with the Complaints Office, the process ceases, and the Complainant and Respondent are informed of this in writing. If the Complaint is not resolved, then the Complainant and/or the Respondent moves to Stage 2 (unless the Complaint withdraws the Complaint), and the Complainant and Respondent are informed in the same communication that, if they wish to make the Complaint formal, then they must do so within 10 working days of the date that the letter was sent to them. The Case Officer prepares a report on the matter and lodges this with the Complaints Office and informs the Line Manager (the Dean, the Line Manager of the administrative or support office). In both cases (resolved or not resolved) the Case Officer's report must include, but is not limited to: the nature and content of the Complaint; the reasons for the Complaint; the investigations and meetings undertaken as part of the procedure; the parties involved; the decisions taken on the complaint; the outcomes of the Complaint; the action recommended and taken as a result of the Complaint. The report should be accompanied by all the documents and evidence used that pertained to the Complaint.



STAGE 2: FORMAL COMPLAINT (COMPLAINT FORM USED)

A formal Complaint is lodged in writing to the Case Officer. It is advised that Stage 1 be undertaken before Stage 2, unless there is a compelling reason not to do so, though this is not a formal requirement. This involves a more senior member of staff than in Stage 1, e.g. for Stage 2, the Dean or Line Manager of the administrative or support office in question, or their equivalent. If the Complainant is unclear on to whom to send the Complaint, then he/she can send a request for clarification to: complaints@usj.edu.mo, and the request will be transferred to the appropriate person for a response.

- Step 1:** Within 10 working days of the date of the Case Officer's final letter of Stage 1, the Complainant and/or the Respondent submits the Complaint in writing to the Case Officer, who is the Dean/Line Manager of the Office. The formal Complaint is lodged in writing (with the Complaint Form: see Annex 2) and with supporting evidence. The formal Complaint should indicate whether Stage 1 had been undertaken and, if so, what was the result, and if not, the reason for this, e.g. the formal Complaint might be, for example, because of the gravity of the Complaint, the complexity of the Complaint, and/or the view that Stage 1 was not an appropriate means of handling the Complaint. The formal Complaint should include information on any steps taken to date to resolve the Complaint, and the outcomes of these; it should also include the reasons for the Complaint and the outcome(s) sought from the Complaint.
- Step 2:** The Case Officer acknowledges receipt in writing of the formal complaint within 3 working days, informing the Complainant that the investigation into the Complaint will commence immediately and that the Complainant will be given a progress report within 10 working days, during which time the Complainant and the Respondent might be invited to separate meetings. Legal representatives are not permitted to be present at meetings. The Case Officer appoints the Panel Members from amongst the staff of the University to assist in the investigation. Panel members may not be drawn from the same unit/office as the Complainant or the Respondent. The Case Officer and the Panel Members should decide whether the Complaint is within the time scales for lodging a Complaint and if there are grounds for it to be heard, or whether it should be dismissed and, if so, on what grounds (e.g. for being vexatious, malicious, trivial).
- Step 3:** The Case Officer and the Panel Members conduct the investigation into the Complaint, decide the outcome of the Complaint within 30 working days of acknowledging receipt of the Complaint, compile a formal report, and contact the Complainant and the Respondent to inform them of the outcome, with reasons included in the correspondence. The Case Officer may invite the Complainant and the Respondent to participate in mediation/conciliation during this process. The letter to the Complainant and the Respondent will include information on the Appeal procedure and process (e.g. if the Complaint is rejected then the Complainant might wish to appeal; if the Complaint is upheld then the Respondent might wish to appeal).
- Step 4:** If the decision is accepted by the Complainant and the Respondent, then the Complaint is closed and the Case Officer informs the Complainant and the Respondent of this in writing, and lodges the report and documentation with the Complaints Office and the appropriate Vice-rector or Administrator. The report includes, but is not limited to: the nature and content of the Complaint; the stages



(e.g. Stages 1, 2) addressed in the Complaint; the reasons for the Complaint; the investigations and meetings undertaken as part of the procedure; the parties and Panel Members involved; the decisions taken on the Complaint; the outcomes of the Complaint; the action recommended and taken as a result of the Complaint. The report should be accompanied by all the documents and evidence used that pertained to the Complaint.

- Step 5:** If the Report requires further action to be taken by the University, then the Case Officer ensures that the relevant person(s) or parties, including the Rector, are fully informed of the contents of this.
- Step 6:** If the Complainant or the Respondent intends to appeal the decision, then they have 10 working days to submit their Appeal to the appropriate Case Officer, which comprises their statements of the grounds for their Appeal, together with evidence to support their grounds. This is communicated in writing to the Complainant and the Respondent.

STAGE 3: REVIEW (FORMAL APPEAL)

This involves a senior member of the University staff; for Stage 3 this is the appropriate Vice-rector: A formal Appeal is lodged in writing to the Vice-rector/Administrator, who is the Case Officer (for Stage 3, it is the appropriate Vice-rector for Academic Affairs if it an academic matter, or Administrator if it is an administrative matter). This can only take place if Stage 2 has been completed. If the Complainant is unclear on to whom to send the Appeal, then he/she can send a request for clarification to: complaints@usj.edu.mo, and the request will be transferred to the appropriate person for a response.

- Step 1:** If the Complainant or the Respondent appeals the decision of Stage 2, then the Complainant or the Respondent has 10 working days to submit their Appeal in writing (see Annex 2) to the appropriate Case Officer, which comprises their statements of the grounds for their Appeal, the reasons for the Appeal, and any other evidence to support their grounds. The grounds for the Appeal are one or more of the following: (a) there were procedural irregularities in the handling of the Complaint; (b) new material has been produced that was not available previously; (c) the decision was unreasonable or inappropriate, given the evidence provided; (d) there is evidence of bias and/or prejudice in considering the Complaint. Normally, new issues may not be raised at this stage, though new evidence can be brought forward, i.e. the Appeal is based on the original case.
- Step 2:** Within 3 working days of the receipt of the Appeal, the Case Officer acknowledges receipt of the Appeal in writing, informing the Complainant and the Respondent that the investigation into the Appeal will commence immediately and that the Complainant will be given a progress report within 10 working days, during which time the Complainant and the Respondent might be invited to separate meetings. Legal representatives are not permitted to be present at meetings. The Case Officer may call on appropriate staff members to assist in the investigation. The Case Officer appoints the Panel Members from amongst the staff of the University to assist in the investigation. Panel members may not be drawn from the same unit/office as the Complainant or the Respondent. The Case Officer and the Panel Members should decide whether the Complaint is within the time scales for lodging



an Appeal and if there are grounds for it to be heard, or whether it should be dismissed and, if so, on what grounds (e.g. for being vexatious, malicious, trivial).

- Step 3:** The Case Office conducts the investigation into the Appeal, taking into consideration the grounds of the Appeal, and decides the outcome of the Appeal within 30 working days of acknowledging receipt of the Appeal, compiles a formal report, and contacts the Complainant and the Respondent to inform them of the outcome, with reasons included, and that the entire process is closed. The letter to the Complainant and the Respondent indicates that the decision is final and cannot be appealed.
- Step 4:** The Case Officer lodges the report, decision and documentation in the Complaints Office, copied to the Rector. The report includes, but is not limited to: the nature and content of the Complaint and the Appeal; the stages (e.g. 1, 2, 3) addressed in the Complaint; the reasons for the Complaint and the Appeal; the investigations and meetings undertaken as part of the procedure; the parties and Panel Members involved; the decisions taken on the Complaint and the Appeal; the outcomes of the Complaint and the Appeal; the action recommended and taken as a result of the Complaint and the Appeal. The report should be accompanied by all the documents and evidence used that pertained to the Complaint and the Appeal.
- Step 5:** If the Report requires further action to be taken by the University, then the Case Officer ensures that the person(s) or parties are fully informed of the contents of such action.



ANNEX TWO: COMPLAINT FORMS

EXAMPLE 1: COMPLAINT FORM FOR LODGING A COMPLAINT (STAGES 1 AND 2)

COMPLAINT FORM FOR LODGING A COMPLAINT (STAGES 1 AND 2)			
Your full name (please print and romanize your name if appropriate):			
Your USJ membership number:			
Your membership status at USJ	Academic Staff <input type="checkbox"/>	Administrative Staff <input type="checkbox"/>	Other <input type="checkbox"/>
Details of the Complaint. Please make this as detailed, specific, concrete, explicit and as full as possible, including: when, where, with whom, what happened, with what impact and on what/whom, witnesses. Please refer to any supplementary evidence/information that is being submitted with this Complaint.			
Please indicate against whom/what the Complaint is being made			
Reason(s) for the Complaint			
Please state what you want from the outcome of the Complaint (e.g. how the matter can be resolved)			
Any other information			
Signed			
Date of making the Complaint			



EXAMPLE 2: COMPLAINT FORM FOR LODGING AN APPEAL (STAGES 1 AND 2)

COMPLAINT FORM FOR LODGING AN APPEAL (COMPLAINT STAGE 3)			
Your full name (please print and romanize your name if appropriate):			
Your USJ membership number:			
Your membership status at USJ	Academic Staff <input type="checkbox"/>	Administrative Staff <input type="checkbox"/>	Other <input type="checkbox"/>
<p>Grounds for the Appeal. Please indicate to which of the following grounds for appeal you are referring.</p> <p><input type="checkbox"/> There were procedural irregularities in the handling of the Complaint</p> <p><input type="checkbox"/> There were procedural irregularities in the handling of the Complaint</p> <p><input type="checkbox"/> New material has been produced that was not available previously</p> <p><input type="checkbox"/> The decision on the Complaint was unreasonable or inappropriate, given the evidence provided</p> <p><input type="checkbox"/> There is evidence of bias and/or prejudice in considering the Complaint</p>			
<p>Details of the Appeal. Please make this as detailed, specific, concrete, explicit and as full as possible, including: when, where, with whom, what happened, with what impact and on what/whom, witnesses. Please refer to any supplementary evidence/information that is being submitted with this Appeal.</p>			
Reason(s) for the Appeal			
Please state what you want from the outcome of the Appeal (e.g. how the matter can be resolved)			
Any other information			
Signed			
Date of making the Appeal			