

Formal complaint process about OUSA staff

(Adapted from the University of Otago Ethical Behaviour Policy)

When someone chooses not to use informal processes or use of informal processes has failed to resolve the problem, they may make a formal written complaint to the CEO. The formal written complaint must be signed and dated by the person complaining and should contain the following:

- the name of the person complained about, as well as sufficient details outlining the issue complained about;
- the name of any person who may have witnessed the breach of the policy or to whom the complaint was first reported;
- the outcomes which the complainant believes would be appropriate to resolve the matter;
- information on whether any measures to protect the person complaining are necessary.

The failure to include information in the formal written complaint does not nullify the complaint. The person complaining shall be available for an interview for clarification of the formal written complaint if considered necessary by the person receiving the complaint.

There is no time limit for the making of a formal complaint, although long delays may inhibit the ability of people to recall facts accurately and may limit the ability of the investigator to reach any conclusions.

If it is considered that every reasonable effort to settle the matter informally has not occurred, then if appropriate, the people involved may be encouraged that this occurs before a formal proceeding commences.

Upon receipt of a formal complaint, or where the OUSA considers that there might be an issue that needs to be investigated, there are two options:

- a preliminary investigation may be carried out to assess whether or not there is a prima facie case to be investigated, or
- an investigator may be appointed to investigate the matters raised in the complaint. An investigator is a person with delegated authority from the CEO appointed to investigate a formal complaint.

In certain circumstances the CEO may consider that it is necessary to suspend the person complained about for the duration of the investigation.

The investigator of the complaint must respect the principles of natural justice which include the right of the person complained about:

- to be advised of enough details of the formal complaint and the investigation to allow them to make an informed response;
- to be given an opportunity to provide an explanation and make representations, including having their witnesses heard;
- to be supported by or represented by the person of their choice; and
- to have the matter assessed by an impartial person.

The complaint may be investigated by the CEO or may be referred to another person such as the Association Solicitor to investigate. The CEO holds responsibility on forming a judgment on penalty, if any.

The investigator's role is to investigate the complaint impartially and the investigator is required to:

1. provide the person complained about with a letter informing them that a complaint has been received, giving details of the allegations and defining the process of the investigation;
2. receive any comments, either in person or in writing, to that letter;
3. carry out such investigation including interviewing the complainant as is necessary;
4. advise the person complained about of their preliminary views as to those findings;
5. receive and consider representations on those preliminary views;
6. if the investigator is not the CEO, the investigator will advise the OUSA CEO on their findings,

The OUSA CEO will then:

7. advise the person complained about of a view on penalties, if any;
8. receive and consider representations on those preliminary views;
9. make and advise the person complained about of the final decision on the penalty, if any;
10. advise the person complaining in confidence that a final decision has been made and give appropriate details.