



Fair Treatment Procedure

IMPLEMENTATION

Aim

To prescribe the responsibilities and actions required to prevent and/or respond to instances of unlawful unfair treatment on University grounds and/or during University-related activities and to ensure the University meets its obligations under State and Commonwealth legislation and the principles of the [Behaviour and Conduct Policy](#).

1 Objectives

- 1.1 To convey clearly to members of the University community that they are specifically prohibited from engaging in behaviours that constitute unlawful unfair treatment while on University grounds or engaged in a University-related activity.
- 1.2 To ensure that members of the University community recognise the behaviours that may constitute unlawful unfair treatment and are educated in the prevention of such behaviours.
- 1.3 To ensure as far as practicable that persons who report instances of unlawful unfair treatment to the University are protected from victimisation or reprisals.
- 1.4 To advise members of the University community of the consequences of breaching this procedure.

2 Scope

2.1 Inclusions

This procedure applies to all staff and titleholders at the University of Adelaide and persons who have entered into a relationship with the University involving working for, with or at the University, including volunteers, contractors and consultants, i.e. members of the University community, for the purposes of this procedure.

2.2 Exclusions

This procedure does not apply to a complaint:

- made by a student of the University of Adelaide. Students should refer to the [Student Grievance Resolution Process](#).
- being considered under any other University policy or procedure where there is an appeal or complaints process (e.g. promotion, tenure, misconduct, serious misconduct or research misconduct).
- being considered under State or Federal legislation or by any external agency.
- from a member of the general public. A member of the general public should direct a complaint in writing to the Area Manager.

Behaviour and Conduct Handbook	Fair Treatment Procedure	Effective Date:	17 March 2016	Version 1.2
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Warning	This process is uncontrolled when printed. The current version of this document is available on the HR Website.			

3 Process: Create a fair treatment environment

Person Responsible		Actions
3.1	Members of the University community	<ul style="list-style-type: none"> a) Create a fair treatment environment by openly promoting and complying with the Behaviour and Conduct Policy and this procedure. b) Complete EO Online, the University's equity training program (staff only) as part of Induction. c) Identify instances of unlawful unfair treatment in the University. d) Do not victimise or seek reprisals against a person who reports instances of unlawful unfair treatment to the University.
3.2	Managers/ Supervisors	<ul style="list-style-type: none"> a) Complete EO Online, the University's equity training program, at induction. It is recommended that refresher EO Online training be completed every two years thereafter.
3.3	Head of School/Branch (Any or all of these tasks can be delegated to School/Branch staff, e.g. Manager/Supervisor, however the Head of School/Branch must monitor the tasks on a regular basis to ensure they take place.)	<ul style="list-style-type: none"> a) Promote the Behaviour and Conduct Policy and this procedure. b) Ensure that all persons in the School/Branch (covered by the scope of this Procedure) clearly understand and comply with the Behaviour and Conduct Policy and this procedure. c) Model appropriate behaviours that promote the principles of the Behaviour and Conduct Policy and this procedure. d) Monitor the work and study environment to ensure acceptable standards of behaviour and conduct are maintained at all times. Refer to the Fair Treatment Information Sheets for further information and advice on what constitutes unlawful unfair treatment. e) Raise instances of inappropriate behaviour with the person and take further action at a local-level in the first instance if the behaviour does not cease. This duty exists even in the absence of a complaint.

4 Process: Respond to complaints concerning unlawful unfair treatment

Person Responsible		Actions
4.1	Members of the University community	<ul style="list-style-type: none"> a) Assess if lodging a formal complaint is appropriate or if the issue can be resolved informally. <p>If the complaint is to be formalised:</p> <ul style="list-style-type: none"> b) Make a complaint concerning any breach of this procedure in accordance with the: <ul style="list-style-type: none"> <input type="checkbox"/> Staff Complaints Procedure (Staff members); <input type="checkbox"/> Titleholder - Conferral of Honorary Roles Procedure; <input type="checkbox"/> Preventing and Responding to Workplace Bullying process; <input type="checkbox"/> Volunteer Policy (Volunteers); <input type="checkbox"/> Consultancy Services Agreement or similar contract or Service Agreement (Contractors).

4 Process: Respond to complaints concerning unlawful unfair treatment (Continued)

Person Responsible		Actions
4.2	<p>Head of School/Branch</p> <p>(Any or all of these tasks can be delegated to School/Branch staff, e.g. Manager/Supervisor, however the Head of School/Branch must monitor the tasks on a regular basis to ensure they take place.)</p>	<p>a) Manage a complaint concerning any breach of this procedure in accordance with the:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Staff Complaints Procedure (Staff members); <input type="checkbox"/> Preventing and Responding to Workplace Bullying process; <input type="checkbox"/> Titleholder - Conferral of Honorary Roles Procedure; <input type="checkbox"/> Volunteer Policy (Volunteers); <input type="checkbox"/> Consultancy Services Agreement (Contractors); <p>b) Offer independent and free counselling support to all parties through the University's Employee Assistance Program.</p>

5 Process: Consequences for breaching this procedure

Person Responsible		Actions
5.1	<p>Members of the University community</p>	<p>a) Note that the University will treat all allegations of unlawful unfair treatment seriously and impartially and that any breach of this procedure may result in disciplinary action in accordance with:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The University of Adelaide Enterprise Agreement (as amended) (Staff members); <input type="checkbox"/> Titleholder - Conferral of Honorary Roles Procedure; <input type="checkbox"/> Volunteer Policy (Volunteers); <input type="checkbox"/> Consultancy Services Agreement or similar contract or Service Agreement (Contractors).

6 Process: Lodge a complaint with an external body

Person Responsible		Actions
6.1	<p>Members of the University community</p>	<p>Note that this procedure does not reduce the rights of an individual under State and Commonwealth law to pursue a complaint through an external agency. However, once an external agency has been engaged the external agency's process will take precedence.</p>

7 Process: Take a special measure (as defined in clause 8)

Person Responsible		Actions
7.1	Head of School/Branch (Any or all of these tasks can be delegated to School/Branch staff, e.g. Manager/Supervisor, however the Head of School/Branch must monitor the tasks on a regular basis to ensure they take place.)	a) Apply to the Area Manager, to take a special measure for the purpose of achieving substantive equality between, or the adequate advancement of, certain groups or individuals.
7.2	Area Manager	a) If appropriate, approve the application to take the special measure . Advice may be sought from Human Resources.

8 Definitions

Area Manager

Under the University of Adelaide Enterprise Agreement (as amended), Area Manager means Deputy Vice-Chancellors, Vice-President(s), Pro Vice-Chancellors, Executive Deans, Director Human Resources (and a person acting in these positions) and Institute Directors.

Complaint

A complaint means a report of an occurrence which happens on University premises and/or during University-related activities, whether on or off campus, where a person covered by the scope of this procedure, believes the occurrence adversely affects their ability to work productively in a positive environment.

Members of the University community

Members of the University community (for the purposes of this procedure) include all staff and titleholders at the University of Adelaide and persons who have entered into a relationship with the University involving working for, with or at the University, including volunteers, contractors and consultants.

Special measure

Special measure means a measure (act, practice, program, plan, policy arrangement, mechanism or activity) taken for the purpose of achieving substantive equality between:

- men and women; or
- people of different marital status; or
- women who are pregnant and people who are not pregnant; or
- women who are potentially pregnant and people who are not potentially pregnant.

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9 Useful information and resources

9.1	University related documents and policies The University of Adelaide Enterprise Agreement (as amended) Staff Complaints Procedure HSW Handbook, 3.35 Preventing and responding to workplace bullying Titleholder - Conferral of Honorary Roles Procedure ; Procedure for Managing Complaints of Research Misconduct/Serious Research Misconduct Volunteer Policy
9.2	Related legislation Fair Work Act 2009 (Cth) Age Discrimination Act 2004 (Cth) Disability Discrimination Act 1992 (Cth) Equal Opportunity Act 1984 (SA) Australian Human Rights Commission Act 1986 (Cth) Racial Discrimination Act 1975 (Cth) Racial Vilification Act 1996 (SA) Sex Discrimination Act 1984 (Cth) Work Health and Safety Act 2012 (SA) Work Health and Safety Regulations 2012 (SA)
9.3	Useful Web-links South Australian Equal Opportunity Commission The Australian Human Rights Commission The South Australian Ombudsman The Australian Code for the Responsible Conduct of Research