

# NEW ENGLAND CONSERVATORIUM OF MUSIC

## GRIEVANCE PROCEDURES

### Introduction

These guidelines provide information for handling grievances, including how to make a complaint, how to deal with a grievance or complaint and how to support persons involved.

Key considerations are:

- What can a complaint be about?
- Who can make a complaint?
- How can a complaint be made?
- Who can receive a complaint?
- What should be done when a complaint is received?

### Some useful definitions

**Grievance** – an actual or perceived wrong considered as grounds for complaint

**Complaint** - a complaint is an expression of concern, dissatisfaction or frustration with the quality or delivery of service, a policy or procedure, or the conduct of another person. In terms of these procedures it may relate to a workplace issue between employees or issues of concern to parents, care-givers, students and community members.

**Harassment** - any form of ongoing behaviour that is not welcome, not asked for or not returned, and that offends, intimidates or humiliates a person.

**Workplace Bullying\*** - An employee is subject to workplace bullying if the person is subjected to repeated behaviour by a person, including the employee's supervisor, a co-worker or group of co-workers of the person, or other persons including a student, a member of the NECOM community or member of the public external to the workplace that:

- is unwelcome and unsolicited; and
- the person considers to be offensive, intimidating, humiliating or threatening; and
- a reasonable person would consider to be offensive, humiliating, intimidating or threatening.

#### \*Important Exclusion

Workplace bullying and harassment does not include management action taken in a reasonable way in accordance with NECOM policies and procedures in connection with the person's employment.

### Conflict, Grievances and Complaints

Conflict can occur at various stages in the life of any organisation and NECOM is as vulnerable to this as any other. It is inevitable that in times of change and transition there is debate, difference of opinion and, on occasions, transitory conflict.

However there may also be occasions when individual teachers, administrative staff, the Director or members of the Board of Directors do come into some form of conflict. It is important that there be established procedures to deal with these issues quickly to protect the people involved and to protect

*music speaks volumes*



NECOM from any collateral harm.

## Parent, Student and Teacher Issues

Teaching, especially music tuition, is a very personal and at times emotional experience. As in all teaching situations the student/teacher/parent relationship is very important at NECOM. Not all students relate in the same way to the same methods of teaching. This policy accepts that at times there may be some disagreement or even conflict in these relationships and understanding of the teaching activities..

To assist with the implementation of this policy and to help ensure that the rights and needs of student, parent and teacher are taken into consideration, the following procedures will be followed:

- At the time of enrolment, parents are informed of this policy
- If an issue should arise with a teacher and student, the parent should contact the teacher immediately to discuss the matter
- Parents and teacher agree on a shared strategy to address the student concern
- The teacher keeps a record in their diary, informs the Program Manager, and seeks advice/information etc. if desired
- Parent and teacher agree to meet in a fortnight to evaluate progress or other changes
- If the issue remains the teacher informs the Program Manager
- Teacher and Program Manager decide on a course of action which may include further informal attempts at resolution, instituting the grievance procedures in accordance with policy or other agreed procedures
- The Program Manager ensures that the Director is fully briefed on this situation.

## What is a complaint?

For the purpose of this policy the following is the definition of a complaint:

***A complaint is an expression of concern, dissatisfaction or frustration with the quality or delivery of service, a policy or procedure, or the conduct of another person.***

## What can a complaint be about?

A complaint can be about:

- a personal dispute
- perceptions of harassment or bullying or the behaviour of others
- disagreement with policies and procedure implemented by NECOM senior staff or the Board of Directors
- concern by parents/students about teaching methods or teachers about the conduct of parents and students.

## Who can make a complaint?

Any person can make a complaint, including a teacher, administrative officer, student, parent or caregiver, a community member who uses the services of NECOM, or a member of the Board of Directors.

These procedures do not remove any person's rights under legislation relevant to conduct in the workplace or in any other area of common law.

## **How can a complaint be made?**

Most complaints are grievances about minor matters that can be resolved informally. Ideally, these should be resolved informally with the relevant person and should be the first step undertaken to resolve an issue. The Program Director is able to provide initial counselling and advice on how an issue is best dealt with, and to assist with its resolution if necessary.

However, should there be a feeling that the complaint must be formalised, the complaint must be made in writing and addressed to the Director or the Chairman of the NECOM Board of Directors.

Complaints should be made within 20 business days of the source/origin of the cause or trigger for the complaint.

It is the responsibility of the Director to ensure that advice of these procedures is issued to all staff and notices are prominently displayed to allow parents, students and community members to know where copies of these procedures may be obtained.

## **What should be done when a complaint is received?**

With an initial complaint, the recommendation will be for it to be resolved with the relevant person as the first step. The Program Director is able to provide initial counselling and advice on how an issue is best dealt with, and to assist with its resolution if necessary.

If a formal complaint is received, the Director or the Chairman of the Board of Directors will determine whether it is a matter that can be resolved informally or whether it should be dealt with by the Director or the Board of Directors. The Director or Chairman of the Board will set up a process to facilitate this if necessary.

Normally formal complaints would be the province of the Director and the Board would only be involved if the matter was about the Director or the issues had escalated uncontrollably.

## **Formal Complaints**

Any matter that cannot be resolved informally will be resolved following formal procedures instigated by the Director or the Chairman of the Board of Directors. The Chairman may delegate this responsibility to the Personnel Committee or a member of the Personnel Committee.

If the complaint is about the Director, the matter will be dealt with by the Chairman of the Board of Directors or his/her nominee(s).

The Director or the Chairman of the Board or his nominee(s) will then invite the complainant to reconsider the detail of the complaint and resubmit the complaint in writing. After initial consultation with the differing parties the Director or Board nominee(s) will convene a meeting of the persons involved. All parties are entitled to have a support person present including the Director or the Chairman of the Board or his/her nominee if desired.

This meeting will endeavour to reach a compromise and thus resolve the matter. If this does not occur the Director or Board nominee will make an interim determination to resolve the matter on the basis of information received.

Detailed minutes of these meetings together with the original complaint and other documentation will be kept. All cases where the Director or the Board nominee must make an interim determination will be referred to the Chairman of the Board of Directors who, in liaison with members of the Board if necessary, will either support the determination or make appropriate amendments.

Copies of documentation related to all formal complaints will be kept securely by NECOM.

### **What about confidentiality?**

All parties to a complaint must treat the matter confidentially.

This requires that all parties ensure that information is restricted to those engaged in the resolution.

### **Support Considerations**

The person managing the complaint is responsible for monitoring the well-being of all parties involved in, or affected by, the complaint. They should encourage the complainants and the other party to:

- state the cause of their concern
- exchange facts and beliefs
- clarify events
- listen
- explain their point of view
- consider the other person's point of view
- recognise that this is an opportunity to change behaviour that is perceived as unsuitable, or is hurtful to another.

The following principles of mediation may be helpful in resolving situations where the participants are willing to participate in this type of process.

The person managing the complaint or his delegate:

- assumes the role of facilitator
- seeks consent of both parties before beginning
- establishes a safe environment for both parties by setting ground rules (e.g. no interruption)
- leads parties through process of communicating (facts, effects, feelings)
- eases communication by paraphrasing: removing emotional words, preserving facts
- requires each side to listen to the other
- encourages parties to propose realistic solutions
- suggests creative solutions
- always preserves own neutrality

All persons involved in the process should be reminded of, and adhere to, an appropriate code of conduct.

### **Timeframe**

Complaints should be dealt with as quickly as possible. It is reasonable that informal attempts to resolve a complaint should take place within a week. If not resolved by two weeks formal procedures must be implemented and a resolution should be complete by four weeks from the date of the original complaint. These time frames may need to be flexible in some circumstances, but it is vital that any complaint be resolved as soon as possible.