

SOUL CONFERENCE

Managing Complex Complaints

Simon Davidson | Partner | Corporate

Sarah Fregon | Partner | Regulatory, Investigations & Disputes

Will Spargo | Partner | Workplace Relations & Safety

Shannon Chapman | Partner | Workplace Relations & Safety

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ACKNOWLEDGEMENT OF COUNTRY

Lander & Rogers acknowledges the Traditional Custodians of the land on which we work, in Melbourne, the Wurundjeri People of the Kulin Nation, and we pay our respects to Elders past and present.

As a law firm, we are aware that our legal system is based on the dispossession of First Nations people, who have a sacred and sovereign connection to the land.



IT GOES WITHOUT SAYING ...

... universities are complex organisations ...

Managing complaints can be particularly challenging due to the diverse expectations across stakeholders, including students, faculty, and administration.



PhD student complaint

You are sitting at your desk when you receive an email from an HR Business Partner in the Business School marked urgent. You open the email and see the following:

Hi Margaret

We received a complaint two weeks ago from Fred Jackson. Fred says that he's been bullied by his PhD supervisor, Professor Adams.

I've attached a copy of the complaint, but the allegations are serious and including racial slurs, being made to clean the lab at night (nobody else is asked to do this), having his leave refused for asking why he must clean and having to work extra hours without being paid.

In terms of what I've done so far, I've met with some of the people in the lab. None of them support what Fred says. I haven't taken any notes of these discussions though, we've just spoken on the phone. I've asked for the CCTV footage from the lab from IT but haven't receive it yet.

Can you help me with this moving forward?

Sorry – forgot to mention – Fred also works part time in the lab, he's covered by the enterprise agreement. He also says that he's feeling stressed and anxious and not sleeping well. He says he's going to get a lawyer and bring a claim against the university.

Thanks, Sasha

PS. You might remember Professor Adams – I asked you about him last week – he's the one accused of employing his nephew as a research assistant and paying him some exorbitant amount. I haven't progressed that either so if you can help me with that too, that would be great. That complaint has been made by Sonia Kaplan, one of the other PhD candidates.

Sexual harassment allegations from a fellow PhD student

Unbeknownst to Sasha, you have already been dealing with Fred on a separate matter.

About six weeks ago, a sexual harassment complaint was made against Fred by Sonia Kaplan, who is also a PhD candidate being supervised by Professor Adams.

Sonia said that she and Fred went out once with Professor Adams and some other PhD candidates for drinks. After everyone else had left, Sonia and Fred kissed several times in one of the booths. They had both had a lot to drink. Sonia has subsequently told Fred she isn't interested in him romantically.

Sonia says that Fred keeps asking her out, by sending emails to her personal email address and on social media. Sonia is not sure how Fred got her personal email address. She also says that Fred keeps brushing her hand with his and that he has also touched her hair.

You are about to conclude the investigation into the complaint against Fred and are about to advise Fred that the allegations are substantiated and ask him to show cause.



An anonymous whistleblower

On top of what Fred has raised about Professor Adams, you have now been asked to assist with an anonymous whistleblower complaint that has been made about the Professor.

You suspect (but do not know) that the complaint has been made by Fred.

That complaint alleges that Professor Adams has been using research grant monies for personal travel and to buy gifts for his family.

The complainant has included some documents with the complaint, including travel itineraries and receipts.



Defamation concerns notice – and an FOI request



About a week or so later, you receive a defamation concerns notice from Dr Jane Banks.

Dr Banks alleges in the notice that she was previously a PhD candidate at the university and that Professor Adams has stolen parts of her research and is claiming it as his own in an article.

The notice also outlines that after taking steps to raise concerns with Professor Adams, he then made several LinkedIn posts tagging Dr B and stating that she is unprofessional and a liar who will never make it in the research world.

A reference check ... and a request for information

Fred ultimately resigns and leaves the university with his PhD unfinished.

Neither of the investigations are concluded when this happens. Fred has escalated his complaint about Professor Adams to IBAC citing "excessive delay".

IBAC has written to the university and said that they don't have capacity to investigate, but you are expected to investigate and then provide your report and any findings.

About year later, you get a call from a lawyer at another university. They tell you that serious sexual harassment allegations have been made about Fred by several people and that those allegations are under investigation.

They've heard through the grapevine that this isn't the first time such allegations have been made about Fred and they ask you whether anything happened while Fred was employed by your university.

The lawyer also shares with you that when a reference check was done for Fred, they were told that Fred has resigned and there were no concerns about him as an employee.



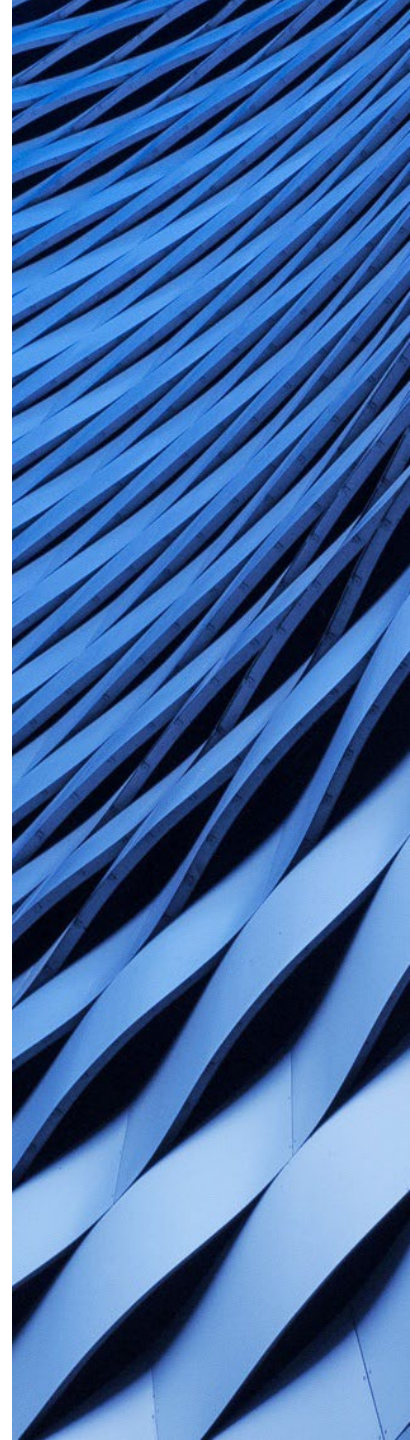
KEY TAKEAWAYS



CHECKLIST



What are the key issues?	
One process or more, depending on the issues?	
What is the legal framework?	
Which regulators are involved – or might be interested?	
Is there conduct that you need to report externally?	
What are your internal requirements?	
What does the enterprise agreement say?	



KEY CONTACTS



Simon Davidson
Partner

D +61 3 9269 9331
M +61 478 472 544
E sdavidson@landers.com.au



Sarah Fregon
Partner

D +61 3 9269 9183
M +61 499 787 766
E sfregon@landers.com.au



Will Spargo
Partner

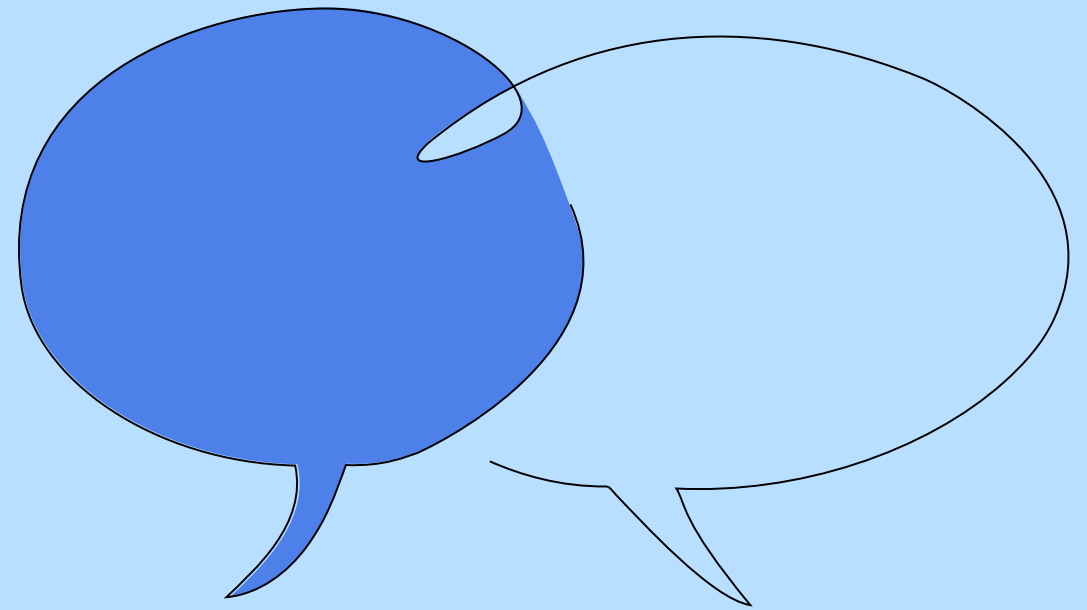
D +61 3 9269 9639
M +61 421 988 475
E wspargo@landers.com.au



Shannon Chapman
Partner

D +61 7 3456 5199
M +61 407 694 927
E schapman@landers.com.au

QUESTIONS



THANK YOU

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Melbourne

T +61 3 9269 9000
F +61 3 9269 9001

Sydney

T +61 2 8020 7700
F +61 2 8020 7701

Brisbane

T +61 7 3456 5000
F +61 7 3456 5001

