



UNIVERSITY *of*
TASMANIA

Unreasonable Conduct by a Community Member

Here at the Safe and Fair Community along with providing support, advice and information to ensure the safety and wellbeing of our university community, we also deal with complaints about experiences at the University and investigate allegations of wrongdoing. We have a team that are well trained to investigate and resolve complaints.

Raising concerns or making a complaint about the quality of your education or the behaviour of another student or staff member isn't 'being difficult.' It's a normal part of service delivery. Raising concerns provides an opportunity for the university to become aware of issues, find solutions and improve the experience of the university community.

Some people who make a complaint or are involved in a disciplinary process in any capacity are justifiably disappointed and angry. This can be because they have been treated unfairly through no fault of their own. Despite this, they are able to manage their frustration and anger. They are also able to productively engage with the systems, processes and people that they interact with throughout the complaints and investigation process.

However, this is not true for everyone. For some people, their frustration or anger can lead to escalated behaviour, including aggressive and abusive conduct towards the organisations and staff handling complaints or conducting investigations. This could be about the subject matter of their matter, how it was handled or its outcome. When behaviour falls outside of acceptable norms, we consider it to be unreasonable conduct.

What is unreasonable conduct?

Most community members act reasonably and respectfully in their interactions with us, even when they are experiencing high levels of distress, frustration, and anger. However, despite our best efforts to help them, in a very small number of cases community members sometimes display inappropriate and unacceptable behaviour. This can include displays of aggression and verbal abuse towards our staff, threats of harm and violence or bombarding our offices with unnecessary and excessive phone calls and emails. They may make inappropriate demands on our time and resources or refuse to accept our decisions and recommendations in relation to their matter. When community members behave in these ways (and where there are no cultural or other identifiable factors that could reasonably explain their behaviour) we consider their conduct to be 'unreasonable'

In short, unreasonable conduct by a community member is any behaviour by a current or former community member which, because of its nature or frequency raises substantial health, safety, resource or equity issues for our organisation, our staff, other service users and complainants or the complainant themselves.

Unreasonable conduct by a community member can be divided into 5 categories of conduct (Please see Annexure A for examples of these behaviours):

Unreasonable persistence
Unreasonable demands
Unreasonable lack of cooperation
Unreasonable arguments
Unreasonable behaviours

In the rare cases we identify this behaviour, the community member will be sent written correspondence informing them their conduct is unreasonable and they will be offered an opportunity to re-engage in a respectful and productive manner.

If the unreasonable behaviour continues SaFCU may take certain steps to restrict a person's access to our services and premises. Unacceptable behaviour may also result in disciplinary action being taken by the University.

As is written in our Statement of Values, we subscribe to the fundamental values of honesty, integrity, responsibility, trust and trustworthiness, respect and self-respect, and fairness and justice. In line with these values, our staff have made a commitment to do the right thing, and to treat all people with respect and dignity – and in return we expect that people accessing our services treat us in kind.

Annexure A

*Please note this list is not exhaustive and other behaviours may be identified as unreasonable.

Behaviour	Description	Examples
Unreasonable persistence	Unreasonable persistence is continued, incessant and unrelenting conduct by a person that has a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources. Some examples of unreasonably persistent behaviour include:	<ul style="list-style-type: none">• an unwillingness or inability to accept reasonable and logical explanations including final decisions that have been comprehensively considered and dealt with• persistently demanding a review simply because it is available and without arguing or presenting a case for one• pursuing and exhausting all available review options when it is not warranted and refusing to accept that further action cannot or will not be taken on their complaints• reframing a complaint in an effort to get it taken up again• bombarding our staff/organisation with phone calls, visits, letters, emails (including cc'd correspondence) after repeatedly being asked not to do so• contacting different people within our organisation and/or externally to get a different outcome or more sympathetic response to their complaint – internal and external forum shopping.
Unreasonable demands	Unreasonable demands are any demands (express or implied) that are made by a person that have a disproportionate and unreasonable impact on our organisation, staff, services, time and/or resources. Some examples of unreasonable demands include:	<ul style="list-style-type: none">• demanding services that are of a nature or scale that we cannot provide when this has been explained to them clearly and repeatedly• insisting on outcomes that are not possible or appropriate in the circumstances – for example, for someone to be sacked or prosecuted, an apology and/or compensation when there is no reasonable basis for expecting this• issuing instructions and making demands about how we have/should handle their complaint, the priority it was/should be given, or the outcome that was/should be achieved• insisting on talking to a senior manager personally when it is not appropriate, warranted or in accordance with existing branch escalation procedure• emotional manipulation of staff with the intention to intimidate, harass, shame, seduce or portray themselves as being victimised when this is not the case.

<p>Unreasonable lack of cooperation</p>	<p>Unreasonable lack of cooperation is an unwillingness and/or inability by a person to cooperate with our organisation, staff and processes that results in a disproportionate and unreasonable use of our services, time and/or resources. Some examples of unreasonable lack of cooperation include:</p>	<ul style="list-style-type: none"> • sending a constant stream of comprehensive and/or disorganised information without clearly defining any issues of complaint or explaining how they relate to the core issues being complained about – only where the complainant is clearly capable of doing this • providing little or no detail with a complaint or presenting information in ‘drips and drabs’ • refusing to follow or accept our instructions, suggestions, or advice without a clear or justifiable reason for doing so • arguing frequently and/or with extreme intensity that a particular solution is the correct one in the face of valid contrary arguments and explanations • displaying unhelpful or uncooperative behaviour – such as withholding information, acting dishonestly, misquoting others, and so forth.
<p>Unreasonable arguments</p>	<p>An unreasonable argument is one that continually offers a point of view counter to evidence available or is irrational. Some characteristics of an unreasonable argument include:</p>	<ul style="list-style-type: none"> • failing to follow a logical sequence • are not supported by any evidence and/or are based on conspiracy theories • lead a complainant to reject all other valid and contrary arguments • are trivial when compared to the amount of time, resources and attention that the complainant demands • are false, inflammatory or defamatory.
<p>Unreasonable behaviour</p>	<p>Unreasonable behaviour is conduct that is unreasonable in all circumstances – regardless of how stressed, angry or frustrated a person is – because it unreasonably compromises the health, safety and security of our staff, other service users or the person themselves. Some examples of unreasonable behaviours include:</p>	<ul style="list-style-type: none"> • acts of aggression, verbal abuse, derogatory, racist, or grossly defamatory remarks • harassment, intimidation or physical violence • rude, confronting and threatening correspondence • threats of harm to self or third parties, threats with a weapon or threats to damage property including bomb threats • stalking (in person or online) • emotional manipulation.