

GRIEVANCE PROCEDURE FOR ACADEMIC STAFF*

1. Introduction

- 1.1 Part VI of Statute 7 sets out the procedure for consideration of individual grievances raised by members of academic staff* concerning their employment by the University. The text of the Statute is published in the University Calendar and Part VI is reproduced in the annex to this document.

(* Part I (3) of Statute 7 defines those staff to whom the Statute applies.)

- 1.2 The formal procedures contained in the Statute may be invoked “if other remedies within the school, department or other relevant area have been exhausted”. The University has accordingly agreed with UCU a set of informal procedures designed where possible to resolve grievances without the need to invoke the formal procedures. These are set out in Section 2 below.
- 1.3 Section 3 below refers to the provision within Statute 7 for grievances to be referred to the Vice-Chancellor.
- 1.4 The Statute specifies that “the procedure in connection with the consideration and determination of grievances shall be determined in Ordinances”. Section 4 below accordingly sets out the approved Ordinance establishing procedures for the operation of any Grievance Committee appointed under Part VI of Statute 7.
- 1.5 Taken together, Sections 2, 3 and 4 and the Annex to this document set out the procedure for consideration and resolution of individual grievances raised by members of academic staff to whom the provisions of Statute 7 apply.

2. Informal Procedures within Schools/Units

- 2.1 The aim of the Grievance Procedure is to settle or redress individual grievances promptly, fairly and, so far as may be, within the School, Department or other relevant area. Consequently a member of staff who feels he or she has an employment-related grievance should initially raise the matter with his or her immediate supervisor, sector head or equivalent manager.
- 2.2 If there is no suitable person at this level with whom to discuss the grievance, or if the discussion has not resolved it to the member's satisfaction, the member of staff should raise the matter with the Head of School or equivalent

senior officer, who should arrange to discuss it with the member of staff at the earliest opportunity with a view to providing a response.

- 2.3 The member of staff may, if he or she wishes, be accompanied at such a discussion by a colleague or representative. Either party may request the advice and assistance of the Director of Human Resources or HR Manager as they seek to resolve the grievance.
- 2.4 A grievance will not normally be referred to the Vice-Chancellor at the next stage without the Director of Human Resources or Dean of Faculty having been involved in helping the parties to find a resolution at the preceding informal stage.
- 2.5 A Head of School or equivalent senior officer notified of a grievance shall normally be expected to provide a response no later than twenty-one days after the notification of a grievance.
- 2.6 In the case of a grievance which directly concerns the Head of School or equivalent senior officer, the Director of Human Resources or Dean of Faculty will use his or her good offices to try and bring about a resolution informally, but without prejudice to the right of the individual to refer the matter to the Vice-Chancellor in accordance with paragraph 33(B) of Statute 7.

3. Reference to the Vice-Chancellor

- 3.1 If the grievance has not been resolved under the procedures in Section 2, the member of staff may apply in writing to the Vice-Chancellor for redress of the grievance.
- 3.2 The Vice-Chancellor's consideration of the grievance shall be undertaken in accordance with paragraphs 33 (C), (D), (E) and 34 of Statute 7 (see Annex).
- 3.3 If the matter is referred by the Vice-Chancellor to the Grievance Committee for consideration, the following procedure shall apply.

4. Grievance Committee Procedure

- 4.1 The complainant and any persons against whom the grievance lies, shall have the right to be heard by the Grievance Committee. The complainant and such persons shall be referred to as the parties.
- 4.2 The Registrar (or his or her representative) shall convene a meeting of the Grievance Committee as soon as reasonably practicable. The parties to a grievance shall be given at least 21 days notice that the grievance is to be heard by the Grievance Committee, the notification to include information about membership of the Committee, date, time and place of meeting.

If exceptionally the Committee is unable to complete its hearing of the grievance on the day of its meeting, its Chairman shall agree with the

parties a date - being the earliest reasonable opportunity - for continuation of the hearing.

- 4.3 The parties shall each have the right to be accompanied by a colleague or representative (who may be a trade union representative or representative of a professional body).
- 4.4 The parties may present written or oral evidence and call relevant witnesses. Witnesses may be questioned by either party and the members of the Committee. Copies of all written submissions shall be submitted to the Registrar not less than 14 days before the hearing. Copies of all documents and a list of witnesses shall be sent to all parties and to members of the Committee at least seven days before the hearing.
- 4.5 The hearing shall be in private and all relevant evidence shall normally be presented in the presence of both parties and their representatives. If exceptionally the Chairman of the Grievance Committee has agreed, following consultation with both parties, that a witness may be heard with either or both parties excluded from the hearing, the nature and content of the evidence so presented shall nevertheless be made known to the parties before the Committee considers its decision.
- 4.6 Subject to the rules of natural justice the Grievance Committee shall, at its absolute discretion, decide all other matters of procedure and evidence. Neither party to the grievance shall be present whilst the Committee considers its decision.
- 4.7 As soon as possible after the conclusion of the hearing the Grievance Committee shall prepare a written report of its findings and its determination as to whether the grievance is or is not well-founded. If it is well-founded the Committee shall include in the report such proposals for the redress of the grievance as it sees fit. The Committee shall forward a copy of the report to the next following meeting of Council. A copy of the written report of the Grievance Committee shall be forwarded to the parties to the grievance.

Part VI - Grievance Procedures

Purpose of Part VI

- (31) The aim of this Part is to settle or redress individual grievances promptly, fairly and so far as may be, within the school, department or other relevant area by methods acceptable to all parties.

Application

- (32) The grievances to which this Part applies are ones by members of the academic staff concerning their appointments or employment where those grievances relate -

(A) to matters affecting themselves as individuals; or

(B) to matters affecting their personal dealings or relationships with other staff of the University,

not being matters for which express provision is made elsewhere in this Statute.

Exclusions and Informal Procedures

- (33) (A) If other remedies within the school, department or other relevant area have been exhausted the member of the academic staff may raise the matter with the Head of the school, department or other relevant area.

(B) If the member of the academic staff is dissatisfied with the result of an approach under sub-paragraph (A) or if the grievance directly concerns the Head of the school, department or other relevant area, the member may apply in writing to the Vice-Chancellor for redress of the grievance.

(C) If it appears to the Vice-Chancellor that the matter has been finally determined under Part III, IV or V or that the grievance is trivial or invalid, he may dismiss it summarily, or take no action upon it. If it so appears to the Vice-Chancellor he shall inform the member and the Grievance Committee accordingly.

(D) If the Vice-Chancellor is satisfied that the subject matter of the grievance could properly be considered with (or form the whole or any part of) -

(i) a complaint under Part III;

(ii) a determination under Part IV; or

(iii) an appeal under Part V

he shall defer action upon it under this Part until the relevant complaint, determination or appeal has been heard or the time for instituting it has passed and he shall notify the member and the Grievance Committee accordingly.

(E) If the Vice-Chancellor does not reject the complaint under sub-paragraph (C) or if he does not defer action upon it under sub-paragraph (D) he shall decide whether it would be appropriate, having regard to the interests of justice and fairness, for him to seek to dispose of it informally. If he so decides he shall notify the member and proceed accordingly.

Grievance Committee Procedure

(34) If the grievance has not been disposed of informally under paragraph (33) (E), the Vice-Chancellor shall refer the matter to the Grievance Committee for consideration.

(35) The Grievance Committee to be appointed by the Council shall comprise:

(A) a Chairman; and

(B) one member of the Council not being a person employed by the University; and

(C) one member of the academic staff nominated by the Senate.

Procedure in connection with determinations; and right to representation

(36) The procedure in connection with the consideration and determination of grievances shall be determined in Ordinances in such a way as to ensure that the aggrieved person and any person against whom the grievance lies shall have the right to be heard at a hearing and to be accompanied by a friend or representative.

Notification of decisions

(37) The Committee shall inform the Council whether the grievance is or is not well-found and if it is well-found the Committee shall make such proposals for the redress of the grievance as it sees fit.