

Regulation pertaining to the grievance procedure for academic staff

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1. Introduction

- 1.1 This Regulation is made pursuant to the College's Ordinance Relating to Dismissal, Grievance Procedures and Related Matters for Academic Staff.
- 1.2 This Grievance Regulation shall apply to all academic employees with the title of Lecturer, Senior Lecturer, Reader and Professor and any other academic title as adopted by the College.
- 1.3 Subject to the Paragraphs 1.4 and 1.5 below, this Regulation shall apply to grievances by members of academic staff concerning their:
- a) appointments;
 - b) employment;
 - c) terms and conditions of their employment;
 - d) or matters affecting themselves as individuals, or their personal dealings or relationships with other members of the College.
- 1.4 This Regulation will not apply in relation to any complaint(s) which relate to:
- a) matters for which provision is made elsewhere in the College's Ordinance Relating to Dismissal, Grievance Procedures and Related Matters for Academic Staff or Regulations or in any other appropriate procedure.
 - b) Where action has commenced with regards to an individual, conduct is being investigated or where a matter is being dealt with under other Ordinances, Regulations or appropriate procedures the grievance Regulations outlined in this document will not apply. For clarity a list of these Ordinances and Regulations can be found in Appendix A.
 - c) Appeals concerning promotion.
 - d) Issues that are the subject of collective bargaining within the College or the HE sector to which the College adheres.
- 1.5 This Regulation will not apply where the College considers it more appropriate to use its specific policies prescribed by the College (and as amended from time to time) for use in dealing with Instances of Public Interest Disclosure (commonly known as whistle-blowing), and for dealing with Allegations of Scientific Misconduct that are prescribed by the College for use under those specific circumstances (and are amended from time to time).
- 1.6 It shall be for the Director of Human Resources or his/her nominee to determine whether the grievance should be considered or whether it falls outside this Regulation by virtue of paragraph 1.4 and 1.5 above. This decision is final.
- 1.7 This Regulation will not apply to grievances raised collectively by an appropriate representative or appropriate representatives on behalf of more than one member of staff.

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2. Informal action

- 2.1 The College is committed to the resolution of grievances fairly and promptly whenever possible. Any member of academic staff who has a grievance is encouraged to discuss the problem informally with his/her immediate line manager in the first instance to seek a resolution. If a member of staff feels unable to discuss the problem with their line manager they may raise the matter informally with a more senior line manager. The College may support the use of conciliation which may include mediation if appropriate.
- 2.2 Managers of academic staff are required to give any grievance that has been raised informally with them proper and full consideration. Managers will be encouraged and supported to facilitate mutually acceptable solutions to genuine concerns raised by members of staff.

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3. Formal action

- 3.1 If the member of staff wishes to pursue the action formally the procedure is set out below:

Stage one – Line manager review

- 3.2 If the member of staff has not been able to resolve a grievance informally through their line manager, he/she should write to the Head of Division or Department to request a review of the grievance by another manager. The request should explain the grievance in detail, the action taken by the member of staff to resolve the matter so far and the outcome or remedy sought. Copies of relevant papers in support of the grievance should be included with the letter. The Head of Division or Department will then identify the appropriate manager to consider the grievance. If the grievance is being raised against the Head of Division or Department then the request should be made to the Head of School. Grievances being raised against a Head of School should be addressed to the Director of Human Resources. Where the grievance concerns the Principal and President, the grievance will be considered by a nominee of the Chairman of the Council who will arrange to hear the grievance.
- 3.3 If any complaint is considered frivolous, vexatious or invalid the manager identified to hear the grievance shall dismiss the grievance.
- 3.4 Where a grievance has been brought concerning the action of a specific individual or individuals, the manager considering the grievance will invite the member of staff who raised the grievance to a meeting where they can then present the reason for the grievance. The manager will notify the individual(s) against whom the grievance has been raised that a grievance has been submitted by the member of staff and provide them with a copy of the grievance. That individual(s) will be invited to attend a meeting with the manager where they will have an opportunity to provide a statement and any relevant papers in response to the grievance.
- 3.5 Where written evidence is collected, the manager considering the grievance will forward any written statements and/or relevant papers to the complainant and to the individual(s) against whom the grievance is being raised before the meeting.

- 3.6 The manager considering the grievance will then arrange to meet with the member of staff, usually within two weeks of receipt of the grievance. The member of staff must take all reasonable steps to attend the meeting and he/she may be supported and accompanied to the grievance meeting by a trade union representative or work colleague. The member of staff should provide the name of any representative who will be assisting with their complaint no later than 3 working days prior to the grievance meeting. A member of the Human Resources Department may be present in the meeting.
- 3.7 If the member of staff's representative is unable to attend on a proposed date, the member of staff may suggest an alternative date within 5 working days of the original date.
- 3.8 The purpose of the meeting will be for the member of staff to state their grievance, for those present to understand the full nature of the grievance, to discuss the grievance, and explore potential solutions. It may be necessary to undertake further investigation of the grievance, in which case the meeting may be adjourned in order to enable this to take place. The meeting must be reconvened within a reasonable period of time.
- 3.9 Following the meeting, the member of staff will be informed in writing of the decision under Stage One of this Regulation. The decision letter will normally be issued to the member of staff within ten working days of the close of the grievance meeting. The letter will usually summarise the nature of the grievance, the investigation that was conducted, the decision, the reason for the decision and any outcome for work and working practices as a result of the decision.
- 3.10 A copy of the decision letter will also be provided to any individual against whom the grievance was brought. The individual may submit in writing any dissenting comments in connection with the decision and these will form part of the record.
- 3.11 There may be situations where it would be helpful to seek external advice and assistance during the grievance procedure or after it has concluded. For example, where the grievance has arisen from a breakdown in relations between two or more individuals a facilitator might be able to assist in resolving the problem. The facilitator may where appropriate be an external consultant or an internal member of staff not directly connected with the grievance. The manager considering the grievance may recommend the use of a facilitator with the agreement of the member of staff and the individual(s) concerned.

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Stage two – Appeal

- 3.12 A member of staff who is not satisfied with the outcome of the grievance meeting held under Stage One above may appeal.
- 3.13 The member of staff should write to the Director of Human Resources within ten working days of receipt of the decision letter. The letter should state that the grievance has not been resolved to the member of staff's satisfaction under Stage One of the Regulation and the reasons why the member of staff is not satisfied with the outcome. The remedy or outcome sought should be specified in the letter from the member of staff.

- 3.14 The Director of Human Resources or his/her nominee shall review the grounds of appeal and shall appoint an appropriate member of the College to hear the appeal, unless the complaint is considered frivolous, vexatious, invalid or that the grievance was appropriately considered at Stage One, in which instance they shall dismiss the appeal.
- 3.15 Where the grievance concerns the Principal and President, the review of the grounds of appeal will be carried out by the Chairman of the Council or his/her nominee who shall be a member of Council. The Chairman of the Council or his/her nominee will arrange for a member of the Council to consider the appeal, unless the complaint is considered frivolous, vexatious or invalid, in which case they shall dismiss the appeal.
- 3.16 An appeal shall be convened as soon as practicable consisting of a member of staff not previously involved with the grievance. The member of staff may be supported and accompanied at the appeal by a trade union representative or colleague. The member of staff should provide to the person considering the appeal the name of any representative who will be assisting with their complaint no later than three days before the appeal.
- 3.17 The purpose of the appeal will be to attempt to resolve the grievance. The appeal should not constitute a rehearing of Stage One. The member of staff will be afforded every opportunity to state their grievance at the appeal. It may also be necessary for further investigation to take place, in which case the appeal may be adjourned to enable this to be undertaken. It should then be reconvened within a reasonable period of time.
- 3.18 The decision letter under Stage Two of the Grievance Regulation will normally be issued to the member of staff within ten working days of the conclusion of the meeting. The letter may generally summarise the nature of the grievance, the investigation that was conducted, the decision, the reason for the decision, and any outcome for work and working practices as a result of the decision.
- 3.19 A copy will be sent to any individual against whom the grievance is being brought. The individual may submit in writing any dissenting comments in connection with the decision and these will form part of the record. This will conclude the process for the resolution of grievances.

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Appendix A: Schedule of Ordinances and Regulations

Schedule of Ordinances

- E1 Appointment and Dismissal of the Principal and President
- E2 Appointment and Dismissal of the College Secretary
- E3 Appointment and Dismissal of the Dean
- E4 Procedures for Staff Promotions
- E5 Dismissal, Grievance Procedures and Related Matters for Academic Staff
- E6 Research Misconduct

Schedule of Regulations

- Regulation Pertaining to Incapacity on Health Grounds
- Regulation Pertaining to Disciplinary and Related Procedures for Academic Staff
- Regulation Pertaining to Capability Procedure for Academic Staff
- Regulation Pertaining to Clinical Staff – Termination, Withdrawal, Revocation or Suspension of Registration, Contract or Status
- Regulation Pertaining to Redundancy Procedure for Academic Staff
- Regulation Pertaining to Dismissal on Grounds Not Covered by Other Specific Regulations
- Regulation Relating to Probation for Academic Staff

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