

21. GRIEVANCE DETERMINATIONS ORDINANCE

21.1 Principles

Any procedure for dealing with a grievance under Section 17.21 of the Statutes shall be bound by the following provisos: namely that no matter may be raised under the provisions of Section 17.21 of the Statutes as a grievance

- (i) which can be properly dealt with under Section 27 of the Statutes, or
- (ii) which relates to a decision of Senate made pursuant to Section 19 of the Statutes:
 - (a) on the admission or progress of, or grant of a degree, diploma or certificate to, a student, based on an academic assessment or examination of the student's attainment, or
 - (b) on the appointment, re-appointment, progression or promotion of a member of staff, based on a judgement of academic attainment, or
 - (c) on consideration of and adjudication upon academic appeals by students relating to progression from one part of the programme of studies to the next; or the outcome of examinations or formal course assessments; or dissatisfaction of a student with the level of attainment where there exists new and relevant information concerning matters which might have affected that student's performance.
- (iii) which involves the dismissal of a member of staff not subject to the provisions of Section 25 of the Statutes or which involves disciplinary action taken against such a member of staff provided that in every case the University has taken each step required under any relevant procedural document in force from time to time.

21.2 Grievance procedure

Under the terms of Section 17.21 of the Statutes, the Academic and other Staff of the University, and the Graduates and Students of the University, may ask the Council to redress a grievance. The University's Staff Grievance Policy and Procedure approved by Council on 29th November 2007 (minute 5340 (1)) sets out the procedure for grievances raised by employees of the University. The procedure for grievances raised by Graduates and Students of the University was agreed by Council on 3rd July 2008 (minute 5436).

21.3 Grievances raised under Section 25 Part VI of the Statutes of the University

'Statute 25 Part VI' shall mean Statute 25 Part VI of the Statutes of the University.

The 'Grievance Committee' means the Grievance Committee constituted under Section 25 Part VI Paragraphs 31 to 37 inclusive.

The 'Chair' means the Chair of the Grievance Committee.

The 'Secretary' means the Secretary to the Grievance Committee appointed by the University Secretary.

The 'hearing' shall mean any occasion on which the Grievance Committee sits in accordance with Statute 25 Part VI to hear evidence or to listen to representations.

- (a) This procedure will be carried out in confidence (unless otherwise agreed by the parties involved) and will not prejudice the current employment or future career prospects of the person raising a grievance in good faith. All grievance records (including those of formal grievance and appeal hearings) will be held in accordance with the Data Protection Act 1998.
- (b) The Grievance Committee shall normally be chaired by the Deputy Vice-Chancellor or a Pro-Vice-Chancellor.
- (c) The Chair shall have an absolute discretion to clarify or modify the procedure for the hearing (after consulting with the other members of the Grievance Committee) provided that such clarification or modification is in the interests of the person bringing the grievance and not contrary to Statute 25 Part VI Paragraph 36 or this Ordinance.
- (d) Any party to the grievance has the right to be accompanied by a friend, colleague or trade union representative.
- (e) As soon as reasonably practicable and not less than 15 working days before the hearing, the Secretary will confirm the arrangements for the hearing to all parties in writing.
- (f) At least 10 working days before the hearing, the parties will send to the Secretary the names of any witnesses and the documentary evidence they wish to have considered at the hearing.
- (g) The Secretary will ensure that each party to the grievance receives the names of any witnesses and the documentary evidence not less than 7 working days before the hearing.
- (h) The hearing of the grievance will take place in the presence of all parties to the grievance.
- (i) The person bringing the grievance and/or his/her companion, first presents his/her case to the Committee and has the opportunity to call witnesses and refer to the documentary evidence. Members of the Committee, any party against whom the grievance has been made and/or his/her companion may put questions to the person bringing the grievance and/or his/her companion and their witnesses.
- (j) Any other parties to the grievance and/or his/her companion shall then do the same as is set out in paragraph (i).
- (k) If a witness is called by one of the parties, he/she will be invited to join the

hearing at an appropriate time. After the witness has made a statement and/or answered any questions, he/she will leave the hearing.

- (l) The party against whom the grievance has been made, or his/her companion, will make a final submission to the Committee.
- (m) The person bringing the grievance, or his/her companion, will make a final submission to the Committee.
- (n) The Chairman will close the hearing by stating that the Committee will report to Council in accordance with the provisions of Statute 25 Part VI Section 37.
- (o) The Committee will consider its decision after all the other parties have withdrawn.
- (p) The decision of the Committee (including any proposals for redress of the grievance) will be conveyed orally to the parties to the grievance by the Chair of the Committee as soon as possible. The decision will then be confirmed in writing to all parties within 5 working days of the hearing. The person bringing the grievance will be informed of their right of appeal against the decision.
- (q) If the employee is dissatisfied with the outcome of the Grievance Committee, he/she has the right to appeal to the Vice-Chancellor. The employee must set out clearly his/her grounds for appeal in writing within 10 working days of receipt of notification of the outcome of the Grievance Committee. The Vice-Chancellor, assisted by the Director of Human Resources, will meet with the employee to hear and determine the appeal. The employee has the right to be accompanied by a friend, colleague or trade union representative.
- (r) The Director of Human Resources will inform the employee of the outcome of the appeal, which is final. This written confirmation will normally be provided within 5 working days of the appeal hearing.

Approved by Council
1 August 2017