

ORDINANCE XVIII

GRIEVANCE COMMITTEE

Preamble

This Ordinance establishes procedures for hearing and determining Grievances by the Grievance Committee under paragraph 36 Part VI of Statute 21. It should be read in conjunction with Part VI of Statute 21, which defines the purpose of the Grievance Procedures, and sets out the initial stages of the Procedures, and any University guidelines from time to time in force.

In any case of conflict the provisions of Statute 21 take precedence over this Ordinance.

1. The Grievance Committee

- 1.1 The composition of the Grievance Committee is as set out in paragraph 35, Part VI, of Statute 21. The quorum for any meeting of the Grievance Committee shall be the full membership.
- 1.2 All proceedings of the Grievance Committee and all evidence placed before it shall be confidential.
- 1.3 Once a member of the Grievance Committee is involved in the consideration of a grievance, he or she shall (except for medical reasons) continue to complete the enquiry. If a member of the Grievance Committee becomes unavailable to continue during the course of a hearing, a substitute shall be appointed.
- 1.4 A member of staff, as determined by the University Secretary not previously connected with the case, shall provide administrative assistance to the Grievance Committee.
- 1.5 Once a Grievance Committee has been appointed the Secretary to the Grievance Committee shall, as soon as possible, inform the complainant and the Head of Unit, and or other party to the case, of the right to make written representation to the Grievance Committee in advance of the meeting of the Committee, the right to attend and make oral representations, and to call and cross-examine witnesses.
- 1.6 The parties to any hearing before the Grievance Committee shall be the member of staff who has sought redress of a grievance (the complainant), and the person(s) against whom the grievance lies. If the grievance lies against the University or any officer of the University, the Secretary, or such other person as the Vice-Chancellor (or Chair of Council) may appoint (the University Representative) shall take charge of the proceedings for the University.
- 1.7 No grievance, which has been referred to the Grievance Committee for consideration, shall be determined without an oral hearing at which the parties and any representative appointed by them shall be present. Notwithstanding this the Grievance Committee may proceed with the hearing in the absence of a party who fails to attend, provided that the party (or appointed representative) has received due notification of date, time, place of a hearing, unless the party has made a prior written request for the postponement of the hearing for reasons which should have been stated in the request, and are considered satisfactory by the Chair of the Grievance Committee.

2. The Grievance Committee Procedure

- 2.1 The Grievance Committee shall complete its task as expeditiously as possible, and in any case shall normally conclude its proceedings no later than 50 working days from its establishment.

- 2.2 Both parties to a grievance have a right to be present during the hearing, and to be accompanied by a friend or a representative who is a member of the University staff. Each party shall send details of the representation, if any, promptly to the Secretary of the Grievance Committee.
- 2.3 All documents to be considered by the Committee should be submitted in advance, and the Committee may call for such other oral or written evidence as may be required.
- 2.4 The complainant and the Head of Unit and/or other party to the Grievance shall receive copies of all documentation seen by the Committee, at least 20 working days in advance of the hearing.
- 2.5 Either party to the Grievance may present written or oral evidence and call relevant witnesses. The names of witnesses to be called by either party must be notified to the Grievance Committee not later than 10 working days prior to the date of the hearing. The Committee can itself include witnesses as well as the parties to a grievance. Witnesses may be questioned by either party and the members of the Committee.

The Committees is empowered to decline to receive evidence from a witness where it cannot be shown to the satisfaction of the Committee that the purported evidence is materially germane to the case under consideration. The Committee will be the final arbiter of whether a witness is relevant. Members of the Committee shall not conduct individual investigations outside meetings.

- 2.6 The complainant's case shall be presented first.
- 2.7 The Committee has the authority to adjourn the proceeding or to dismiss the case at any time.
- 2.8 The Committee will arrive at its conclusion without any of the parties directly being involved in the issue being present, but may be recalled if the Committee seeks to explore the possibility of a settlement. The Chair of the Committee shall try to ensure that its conclusions are arrived at with the agreement of all the members, on the understanding that where votes are taken, the voting figures are included in the Committee's report to the Council.
- 2.9 The Grievance Committee shall at its absolute discretion decide all other matters of procedure and evidence. In exercising this discretion, the Committee shall be guided by the requirement to deal fairly and reasonable with all parties to the grievance.

3. Notification of Decisions

- 3.1 The Grievance Committee shall inform the Council and the member of staff in writing whether the grievance is or is not well found, and if it is well found such proposals for redress as it sees fit. Consideration may be given by the Committee to the effective date of implementation of any resolution to a grievance.
- 3.2 A copy shall be sent to the friend or representative accompanying the member of staff, the Head of Unit, the other party to the grievance, if different.
- 3.3 The decision of the Grievance Committee is final, so far as internal procedures are concerned. Nothing in the foregoing provisions shall preclude resort by an individual to any proceedings to which he/she may be entitled under law.

Approved by the Council on 15th May 2001