

UNIVERSITY OF ABERDEEN

ACADEMIC AND ACADEMIC RELATED STAFF GRIEVANCE PROCEDURE

1 INTRODUCTION

The object of this procedure is to settle or redress individual grievances promptly and fairly, and as far as possible within the College/School/Administrative Section, by methods acceptable to all parties.

The grievances to which the procedure applies are those by members of the academic and academic-related staff concerning their employment or appointments where those grievances relate to:

- matters affecting themselves as individuals.
- matters affecting their personal dealings or relationships with other staff of the University.
- matters for which express provision is not made elsewhere.

2 PROCEDURE

Where a grievance is directed against another person, as distinct from decisions made by University representatives acting in a managerial capacity, the person against whom the grievance lies shall have similar rights as the aggrieved at all stages of the procedure including the right to be represented.

If other remedies to resolve the matter within the College/School/Administrative Section have been exhausted, the member of staff should raise the matter with the Head of School/Administrative Section, or if it involves the Head of School/Administrative Section, with the Head of College/Secretary.

If the member of staff is dissatisfied with the result of an approach under the above or if the grievance concerns the Head of College/Secretary, the member may apply, in writing, to the Principal for redress of the grievance.

The Principal may:

- dismiss the case summarily if it appears to have been resolved under procedures or, exceptionally, if it is trivial or invalid. The individual and Grievance Committee shall be advised accordingly, or
- refer it, if appropriate, for consideration under other procedures, in which case he/she shall defer action under the grievance procedure until handling of the matter has been concluded under these other procedures. The individual and Grievance Committee shall be advised accordingly, or
- decide to dispose of the matter informally in which case he/she shall notify the individual and proceed accordingly, or
- refer the matter to the Grievance Committee for consideration.

The Grievance Committee shall be appointed by the Court and shall comprise:

- a Convenor

- one member of the Court not employed by the University
- one member of the Academic staff appointed by the Senatus Academicus.

Arrangements will be made for the Grievance Committee to meet and hear the case as expeditiously as possible.

At the grievance hearing the aggrieved person and, where applicable, any person against whom the grievance lies, shall have the right to be heard and to be accompanied by a friend or representative. Details of the conduct of the hearing are attached at Appendix A. The Grievance Committee shall inform the Court, through the Principal, of the outcome of the hearing and if the grievance is well found, shall make proposals for the redress of the grievance.

The decision of the Grievance Committee shall be final and not subject to further appeal within the University. The decision of the Committee shall be notified in writing to all parties involved.

3 ROLE OF SPSO

In accordance with the Further and Higher Education (Scotland) Act (2005), the Scottish Public Services Ombudsman (SPSO) has responsibility for investigating staff complaints. The SPSO provides a route for those staff who have exhausted the University's Grievance procedures, to refer their complaint for independent review where they are dissatisfied with the handling of the internal grievance procedure. The SPSO cannot investigate action taken in respect of appointments or removals, pay, discipline, superannuation or other personnel matters.

Once the SPSO has made a judgement, it would be for the University Court to decide wither or not to accept the judgement and on any remedial action to be taken.

Details on how to contact SPSO are available at www.scottishombudsman.org.uk

APPENDIX A: Academic and Academic-Related Staff Procedure for Formal Grievance Hearing

Introduction

It is recognised that occasionally grievances may focus on allegations directed against another person as distinct from a decision made by University representatives acting in a managerial capacity. The following procedure has been drafted to ensure that on such occasions any person against whom the grievance lies shall have similar rights as the aggrieved at all stages of the procedure, including the right to be represented.

Documentation

The Clerk will provide member of the Grievance Committee, the member of staff who has a grievance (the aggrieved) and where applicable, the person against whom any grievance lies, with the following details, not less than seven days in advance of the hearing:

- written statement submitted by the aggrieved stating the grounds of the grievance, together with such details as may be relevant;
- a list of any witnesses to be called including those named by the aggrieved, by the person against whom the grievance lies and those from whom the Committee chooses to take evidence;
- the names of the persons, if any, who will be accompanying the aggrieved and of the persons, if any, who will be accompanying the person against whom the grievance lies;
- any written evidence produced by the person against whom the grievance lies.

Hearing

The procedure at the hearing shall be conducted as follows:

- With all parties present, including advisers, the Convener shall outline the procedure to be followed (see below).
- All discussion and questions shall be directed through the Convener.
- The Convener shall call for any statement which the aggrieved wishes to make. The Committee may cross-examine the aggrieved and the adviser on their statements. The person against whom the grievance lies may also put questions through the Convener.
- The aggrieved may then call his/her witnesses who in turn may be cross-examined by the Committee. The person against whom the grievance lies may also put questions to the aggrieved's witnesses through the Convener.
- The Convener shall call for any statement which the person against whom the grievance lies wishes to make. The Committee may cross-examine the person and the adviser on their statements. The aggrieved may put questions to the person through the Convener.
- The person against whom the grievance lies will then call his/her witnesses who in turn may be cross-examined by the Committee. The aggrieved may put questions to the witnesses through the Convener.
- The Committee's witnesses, if any, will then be called. The aggrieved and the person against whom the grievance lies and/or their advisers may cross-examine the witnesses, through the Convener.
- The Committee may require a witness to leave the room after delivering his/her evidence.
- After all witnesses have appeared, the aggrieved and/or his/her adviser and the person against whom the grievance lies and/or his/her adviser may sum up their cases.
- The aggrieved, the person against whom the grievance lies, advisers and all witnesses leave the room whilst the Committee considers its findings.

The Decision

The Grievance Committee shall inform the Court of the outcome of the hearing and if the grievance is well found shall make proposals for the redress of the grievance.

The decision of the Committee shall be communicated to all parties involved in writing.

The decision of the Grievance Committee shall be final.