

# Procedures for dealing with work problems and issues raised by Associate Lecturers (Grievance Procedures)

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## 1. Definitions

In this document the following definitions shall apply:

- (i) "A grievance" is any concerns, problems or complaints that employees raise with their employer
- (ii) "The University" means the Council of the Open University which as the executive governing body of the University formally employs all members of staff.
- (iii) "The lead line manager" is the person who has the overall responsibility for your work - the Staff Tutor/Student Experience Manager. If you have appointments in more than one location or faculty, you may also have a "Tuition Task Manager" for each appointment.
- (iv) "The Executive Dean" means the Dean or the person delegated by the Dean, normally an Associate Dean or Head of School to look at a particular case.
- (v) "Working Days" are defined for the purposes of procedural deadlines as Monday to Friday, excluding bank and public holidays and University closure periods. Time periods referred to in this document may be extended by mutual agreement.

## 2. Exclusions

The procedures do **not** apply in the following situations:

- (i) where you have not been selected for an appointment you cannot challenge the judgement of the selectors except where this relates to a material procedural irregularity in selection, or an allegation of discrimination.
- (ii) where the complaint relates to disciplinary action which has been or is about to be taken (the disciplinary procedures contain an appeal mechanism), except where the member of staff's complaint is that the action amounts, or could amount to unlawful discrimination, or that the disciplinary action is taken for reasons other than conduct or capability.

Such a grievance raised during the disciplinary process will normally be heard at a disciplinary appeal meeting.

- (iii) where the substance of the complaint is subject to other agreed procedures which provide for a right of appeal.

### **3. Procedure**

These procedures apply to all staff on Associate Lecturer Terms and Conditions of Service. It is the policy of the University to ensure that any problems or issues which members of staff with a current appointment may raise in relation to their conditions of service or any other matter relating to their employment are dealt with as fairly, efficiently and speedily as possible. All Associate Lecturers have the right to raise grievances under this procedure concerning their appointment or employment where these grievances relate:

- a) to make affecting themselves as individual or
- b) to matters affecting their personal dealings or relationships with other staff of the University

You have the right to express grievances you may have about your employment and to have them considered as soon as possible. If you have a grievance or complaint to do with your work, the best course of action is often to discuss it with your line manager in the first instance. You may be able to agree a solution informally between you. In many cases queries or concerns can be resolved informally through the provision of information without becoming a grievance. Where attempts to settle issues informally have failed or are inappropriate then, except as stated in paragraph 2 above, the following procedures shall apply. Any formal complaint should be made as early as possible because memories of incidents may fade and in any case within 90 calendar days of the occurrence of the incident.

You may at any time consult your trade union representative, who may handle the grievance on your behalf through the formal stages if you so wish. You and your representative shall have the right to make written and/or oral representations as appropriate to the stage at which the grievance is being considered.

#### **3.1 First Stage of Formal Grievance Proceedings**

##### **3.1.1 Step one**

You should first raise the matter in writing with the relevant faculty Associate Dean responsible for Associate Lecturers, setting out the details of your grievance.

##### **3.1.2 Step two**

The Associate Dean, or nominee, will arrange a meeting to discuss your complaint within 15 working days of receipt of your written statement of complaint.

The Associate Dean, or nominee, will consider the complaint consulting your lead line manager with the OU Branch of the UCU (OUBUCU) Representative if they consider it appropriate.

### 3.1.3 Step three

The Associate Dean, or nominee, will reply in writing within ten working days of the meeting, unless otherwise mutually agreed.

#### **Note One**

If any resolution of the issue raised under these procedures depends on an interpretation of any agreement between the OUBUCU and the University or of any national agreement with the UCU and you disagree with the Associate Dean on that interpretation, that disagreement should be referred in the first instance to the University Secretary for clarification, and then if necessary to the Joint Chairs of the Negotiating Committee, acting on behalf of the Committee, as soon as possible. The decision of the Joint Chairs of the Negotiating Committee stating the interpretation to be used will be sent to you and the Associate Dean and you should meet within ten working days of the receipt of the decision, to discuss the issue on that basis.

#### **Note Two**

If the grievance directly concerns the actions of the Associate Dean you should refer the matter in writing to the Executive Dean, or the Deputy Vice Chancellor if the complaint is about the Executive Dean following the steps as set out above.

## 3.2 Second Stage of Formal Grievance Proceedings

If the grievance is not resolved to your satisfaction under the First Stage you have the right to refer it to the Second Stage. If you wish to do so, you must write to the University Secretary within ten working days of receiving the opinion of the Associate Dean or the Executive Dean as appropriate.

At the request of the University Secretary, the Joint Chairs of the OU/OUBUCU Negotiating Committee will establish a special sub-committee, consisting of two members appointed by the staff side and two members appointed by the management side with a chair acceptable to both parties. The sub-committee will receive all the relevant documentation and may call for such other oral or written evidence as it may require. Other procedural rules are set out in the Code of Practice for Grievance Committees attached as Schedule 1.

Once the views of the parties have been gathered by the sub-committee, it will deliberate and arrive at its conclusions in the absence of the parties.

The sub-committee shall notify its opinion to the parties and to the Negotiating Committee through the University Secretary, and may make recommendations for further action. Notification will take place within 30 working days of the establishment of the sub-committee, unless otherwise mutually agreed. The Chairman of the sub-committee will seek to ensure that its conclusions are unanimous, on the understanding that where votes are taken, the voting figures will be included in the notification of its opinion.

If or when all preceding stages have been exhausted, the parties reserve the right to refer to appropriate external conciliation or arbitration machinery, and/or other means of settlement outside the University. Nothing in the foregoing provisions shall preclude resort by you to any proceedings to which you may be entitled under law.

#### **4. Collective Grievance**

These procedures may also be suitable as a means of resolving the identical collective grievances of groups of staff as well as of individuals. Before the procedures can be used in this way agreement must be reached between the University Secretary and the staff concerned (or their recognised representative). If it is agreed to follow these procedures, the action will begin at a stage appropriate to the circumstances, having regard to the fact that the group may include staff from more than one faculty and/or location.

If it is not agreed to use these procedures, resolution of the collective grievance will be sought by normal processes of collective bargaining.

#### **5. Prejudicial Actions**

In order to avoid aggravation of any matter subject to these procedures, it has been agreed that, in the event of any differences arising between the parties which cannot be resolved, then whatever practice or agreement between the parties existed prior to the difference shall continue to operate pending a settlement or until the agreed internal procedures have been exhausted.

#### **6. Effective date of implementation**

Where any problem or issue raised under these procedures has been resolved to your satisfaction, effect shall be given to that resolution, wherever practicable, from the date on which the issue was raised under the First Stage of these procedures.

#### **7. Status of decisions under this procedure**

Where a decision is arrived at under these procedures and is accepted by you, without the involvement of the OUBUCU, this shall not be regarded as setting a precedent for future cases in which the OUBUCU is involved. Accordingly, it shall not prevent reconsideration of the issues if raised by the OUBUCU in subsequent similar cases, but a case which has been settled cannot be re-opened under the terms of this paragraph.

#### **8. Note for Residential School Tutorial Staff**

The short duration of schools makes the above procedures unsuitable. Residential School tutors should raise any grievance with the Module Director in the first instance. If the matter is not resolved to your satisfaction you should then take the matter up with the School Director, whose decision will be final. Residential School non module-specific staff should raise any grievance with the School Director in the first instance. If the matter is not resolved to your satisfaction or if the complaint is about the School Director, you should take the matter up with the relevant faculty Associate Dean responsible for Associate Lecturers, (or the relevant faculty Executive Dean if the host School Director and Associate Dean are the same person), whose decision will be final.

# **Grievance Procedures (Schedule 1)**

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The general principles for the conduct of business have been agreed as follows:

- (a) the discussions of the Committee shall be confidential
- (b) 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
- (c) members of the Committee shall not conduct individual investigations outside meetings
- (d) the complainant and the Associate Dean or the Executive Dean as appropriate and/or other party to the Grievance shall receive copies of all documents seen by the Committee, in advance of the hearing
- (e) either party may present written or oral evidence and call relevant witnesses. The names of witnesses to be called by either party must be notified in advance to the Committee. Both parties to a grievance have a right to be present during the hearing, and to be accompanied or represented by a friend or representative who is a member of the University staff. The Committee can itself invite witnesses as well as the parties to a grievance. Witnesses may be questioned by either party and the members of the Committee. The Committee 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
- (f) the complainant's case would be presented first
- (g) the quorum for any meeting of the Grievance Committee shall be the full membership
- (h) the Committee will arrive at its conclusions without any of the parties directly involved in the issue being present
- (i) consideration may be given by the Committee to the effective date of implementation of any resolution to a grievance.