

Grievance and Appeals Policy and Procedures



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Amendment History

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Responsible Unit:	People and Organizational Development Department
Responsible Officer:	Engy Mansour – Mohamed Samy

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1. GRIEVANCE AND APPEALS POLICY

Policy Purpose

The grievance and appeals policy shall ensure that all complaints are dealt within a constructive and timely manner, provide a clear unified mechanism for the resolution of complaints, grievances or problems raised by staff in relation to human resource management and work related matters such as but not limited to; staff members' rights and pay appeals without hesitation, ensuring proactive secured practices. Situations may occur where, a staff member believes that the fair and consistent application of a policy affecting him/her has not been followed appropriately.

Policy Scope

This policy and its related procedures apply to all Academic and Non-academic staff in all aspects of their employment.

This policy and its related procedures apply to all work related matters, staff members' rights and pay appeals and does not apply to other ethical misconduct, this is covered in the code of conduct, anti-harassment and anti-discrimination policies.

Policy Statement

This policy and its related procedures; emphasize a collegial approach to grievance resolution through; informal facilitation and mediation, are designed to lead to a prompt resolution of difficult problems in order to ensure healthy working environment is fostered and promoted among MSA community and to help MSA staff perform their work duties and responsibilities at maximum level of effectiveness with worry-free and threat-free work atmosphere.

Principles and Guidelines

- The University recognizes that, from time to time, staff may have problems or concerns regarding their work or relationships with colleagues which they wish to raise and have addressed. The University seeks to resolve such issues informally in the first instance. A formal grievance should only be invoked if no informal resolution has been found.
- Where the Staff member or the Nominated Representative, and the Director of Human Resources agree, the time-limits set out in these provisions may be extended and/or the grievance process may begin at the second level of these procedures.
- If two or more Staff members believe they have an identical or common problem, they may take action together and the matter will be dealt with as a single grievance.

- A matter raised within these procedures may be withdrawn by the staff member or the Nominated Representative, at any stage during these procedures by notice in writing, to the Director of Human Resources.
- Offers of compromise as well as agreements reached during these grievance procedures will not constitute precedents in regards to similar grievances, and are without prejudice to positions taken in similar circumstances or more general issues.

Definitions

Grievance: A grievance is defined as a claim that violation of a published policy has occurred in the manner in which a staff member was treated including, but not limited to, actions, behaviours, pay or employee rights which are considered unfair, disadvantageous, wrong or inadequate.

Appeal: An application to reconsider a decision that has been made regarding the grievance.

2. GRIEVANCE AND APPEALS PROCEDURES

a. *Grievance Procedures*

i. First Level Resolution: FACILITATION

When a staff member wishes to raise a grievance with the University within these procedures, he/she is required to initially attempt to resolve the grievance through one on one discussion(s) with the other party or parties involved in the grievance process.

The Staff member must also verbally advise his/her immediate supervisor of the situation before taking any further steps.

Where the Staff member claims to have been aggrieved by his/her immediate supervisor, the Staff member may instead inform the supervisor's Line Manager, if the Staff member feels unable to approach the immediate supervisor on the grievance issue.

Human Resources representative is available to facilitate one-on-one discussions, on request and subject to the Human Resources Director's approval.

The person or persons with whom the grievance is raised, will make a full verbal response to the Staff member not later than 10 working days (14 calendar days), where practicable, from the date the matter is raised.

The Director of Human Resources or Human Resources Representative who is delegated by the Director of Human Resources must ensure the matter proceeds in accordance with the time frames stated in these procedures and the dates of meetings are clearly documented. The Staff member may be assisted by a Nominated Human Resources Representative in preparing for, and participating in these procedures.

ii. Second Level Resolution: MEDIATION

If the Staff member is dissatisfied with the reply (or if there was not a timely reply at the First Level of Resolution), the Staff member, or, where requested, their Nominated Representative, must advise the Director of Human Resources, of the unresolved grievance.

At the request of the parties involved in the grievance process, or at the discretion of the Director of Human Resources, the Director of Human Resources will arrange a mediation of the grievance with the aggrieved person or persons by independent and neutral mediators, within five working days where practicable.

The Director of Human Resources will ensure that all parties involved are fully informed of the grievance, including the provision of any related written material(s).

iii. Third Level Resolution: HEARING COMMITTEE

Where the grievance remains unresolved after five working days or as soon as practicable, following the mediation, the Director of Human Resources will refer the matter to a Hearing Committee which is formulated on a random basis that ensures objectivity and bias avoidance.

The hearing committee will be formulated by representatives from the faculty/ department that the aggrieved person works at, and depending on the scope of work.

All recommendations made by the Hearing Committee will be binding on the parties involved in the grievance process and will constitute a settlement of the matter.

b. *Appeals*

Staff have the right to formally appeal against the outcome of the grievance if they are dissatisfied with it.

Staff member may appeal against the outcome within ten working days of being notified of the decision. The appeal should be made in writing to the next level of manager or to HR. The appeal will then be heard within a reasonable timeframe, normally within ten working days from the date of receipt of the appeal.

c. *Confidentiality*

The University aims to keep information confidential to the maximum extent possible. All members of the Grievance Committee and those assigned for record keeping, as well as any staff member questioned in relation to an issue at hand, are bound by the duty of confidentiality at all times.

d. *Documentation*

There are no specific documents or forms to be used under this policy. As previously mentioned above, there are a number of places where written communication is required. That communication will typically take the form of a memorandum/ minute.

e. *Time Limits*

If at any stage of the grievance it is not possible to respond within the specified time limit, the staff member must be given an explanation for the delay and informed of when a response can be expected.

f. Roles and Responsibilities

i. Staff Members

- All staff have a clear role to play in helping to create a climate at work where communication channels are kept open so that concerns are discussed and resolved at an early stage.
- Staff members should be aware of their own conduct; act in accordance with the University's values; avoid colluding with inappropriate behavior; and co-operate fully in any complaint procedure and/or investigation.

ii. Line Managers and Supervisors

Managers and supervisors have a particular responsibility:

- To act as role models; respond positively to complaints to avoid them escalating into grievances; and to challenge and stop unacceptable behavior in the workplace.
- Managers and supervisors have a responsibility to manage underperformance or concerns regarding a staff member's conduct. During these discussions, managers/supervisors should give constructive feedback to help the staff understand what he or she has done that is unsatisfactory, why it is unsatisfactory and how to improve in the future. This should be done in a constructive, encouraging style, following the University's Performance Management Policy.

iii. Role of Human Resources Department

The role of the Human Resources Department is to

- Advise on the operation and application of this policy and procedure.
- Take a proactive role in ensuring consistency of application across the university.
- There is no requirement to advise Human Resources of informal grievances, although the Human Resources Representative can be approached for advice if necessary.
- Human Resources must, however, be notified of all formal grievances raised.
- The relevant Human Resources Representative will monitor the matter through all necessary stages.
- Human Resources can also provide additional guidance during the procedure to managers, the staff member, any companion, and to any witnesses.