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## **GRIEVANCE PROCEDURE FOR POSTDOCTORAL RESEARCH FELLOWS AT THE UNIVERSITY OF CAPE TOWN**

### **Definitions**

- Unless otherwise stated “Postdoctoral Research Fellow” in this procedure refers to an individual who has been awarded a postdoctoral research fellowship by the University of Cape Town in terms of a Memorandum of Agreement.
- “Day” means for the purpose of determining time periods in this procedure, any day except Saturdays, Sundays and statutory public holidays.
- “Management” means the relevant Head of the Host-Department, Dean, DVC (or the delegated authority), or nominee with whom the grievance is lodged.

### **1. GENERAL**

- 1.1 A grievance is any dissatisfaction and/or feeling of injustice in connection with a Postdoctoral Research Fellow’s work and/or situation (other than the Memorandum of Agreement and its conditions of award and Fellowship range, and other than arising from disciplinary action) which is brought to the attention of the relevant authorities.
- 1.2 The intention of this procedure is that grievances be resolved at the earliest stage possible and as quickly as possible, and the time periods specified below are maximum time periods to be utilised to the full only where the complexity of the grievance requires the full use of the time period.
- 1.3 Where it is impracticable to address a grievance within the time limit set out in the procedure, an extension may be agreed upon between the PDRF lodging the grievance and the chair of the hearing. Such an extension must be recorded in writing and signed by both parties.
- 1.4 All time periods refer to full working days (days of normal business).
- 1.5 If the PDRF who initiates the grievance procedure fails to pursue the complaint through the channels provided for, it must be assumed either she/he abides by the resolution reached by that stage or accepts that the complaint has no substance.
- 1.6 A PDRF with a grievance may be assisted throughout the procedure by either a representative from the PDRF Association or by any other PDRF formally appointed by UCT or by a student.
- 1.7 In addition, where the grievance involves allegations of racism, racial discrimination

or racial harassment, she/he/they may elect to follow the procedures detailed below or the procedure outlined in the University's Policy on Racism and Racial Harassment. Where the grievance involves allegations of sexual harassment, she/he/they may elect to follow the procedures detailed below or the procedure outlined in the University's Policy and Procedure on Sexual Harassment.

1.8 Any decisions made must be accompanied by reasons.

## **2. PROCEDURE FOR AN INDIVIDUAL GRIEVANCE**

### **2.1 STAGE ONE (HEAD OF THE DEPARTMENT)**

If any PDRF wishes to raise a grievance she/he must informally approach her/his Principal Investigator and attempt to resolve the grievance at this level.

Should this fail or should the grievance relate to the actions of the PI, the PDRF must approach the HoD in an attempt to seek a resolution. If the grievance relates to the actions of the HoD the PDRF must approach the Dean informally or using stage two. If the PDRF wishes, she/he/they may obtain the assistance of a representative. Two days will be allowed for this stage.

### **2.2 STAGE TWO (DEAN OF FACULTY)**

If the grievance has not been resolved informally, the PDRF may take the grievance further and formalise the process by now making written representations to this effect to the Dean of Faculty (or nominee). The PDRF must send a copy of such a representation to her/his Head of the Department within three days of the end of stage one. Within two days of receipt of such representations, the Dean (or nominee) to whom the written representations were sent must convene a meeting of the following individuals:

2.2.1 A Chairperson (The Dean or Deputy-Dean, or nominee)

2.2.2 The PDRF lodging the grievance.

2.2.3 The PDRF's representative (if requested by the PDRF).

2.2.4 The individual against whom the grievance is lodged

2.2.5 The Head of Department of the individual against whom the grievance is lodged (if not covered by 2.2.4).

2.2.6 One or more expert advisors appointed by the Dean.

From the date of this meeting, up to three days will be allowed for a resolution to be achieved before proceeding to the next stage.

The Chairperson's decision signifies the end of stage two. Within a further three days the chairperson must complete her/his report on the grievance hearing proceedings and her/his proposal to resolve the grievance. A copy of the Chairperson's report must be sent to all the parties concerned.

### **2.3 STAGE THREE (THE DEPUTY VICE-CHANCELLOR RESPONSIBLE FOR RESEARCH & INNOVATION)**

In the three days following the end of stage two, should the PDRF wish to take the grievance further, she/he must make written representations to this effect to the Deputy Vice-Chancellor, with a copy to the deputy chair of the URC.

The DVC or the DVC's nominee must review the case. If the DVC appoints a nominee, the PDRF and her/his representative (if applicable) must be advised accordingly. If deemed necessary by the DVC, or the DVC's nominee, in order to

establish further facts about the case, a meeting must be convened within five days of receipt of representations pertaining to the grievance. The meeting must consist of the following individuals:

- 2.3.1 The Chairperson (the DVC or the DVC's nominee)
- 2.3.2 The PDRF lodging the grievance
- 2.3.3 The PDRF's representative (if applicable)
- 2.3.4 The Chairperson of the stage 2 hearing, and, if this Chairperson requires it, the PDRF's Head of the Department.
- 2.3.5 Any other staff members or PDRFs the Chairperson wishes to invite in order to facilitate a resolution of the grievance.
- 2.3.6 One or more expert advisors appointed by the Chair.

From the date of this meeting five days will be allowed for a resolution to be achieved. The Chairperson's decision signifies the end of the grievance procedure.

Within a further five days the Chairperson must complete her/his report on the grievance hearing proceedings and her/his proposal to resolve the grievance. A copy of the Chairperson's report must be sent to all parties concerned.

### **3. PROCEDURE FOR A GROUP GRIEVANCE**

- 3.1 Where it is evident that more than one PDRFs have the same grievance, the PDRFs may elect to have the grievance dealt with as one.
- 3.2 Where practicalities militate against a group grievance being dealt by the full group, the group must elect a spokesperson(s) that will act on behalf of the group and give the spokesperson(s) the full mandate of the group, in which case all decisions they take in respect of the resolution of the grievance are binding on all the individual members of such a group.
- 3.3 One of the following procedures may be chosen:
  - 3.3.1 Where it is evident that two or more PDRFs from the same Department/Unit have the same grievance, the grievance may be addressed via the grievance Procedure detailed in section two of this procedure. Alternatively, the procedure below may be followed.
  - 3.3.2 Where it is evident that two or more PDRFs have the same grievance but the PDRFs concerned do not come from the same Department or Unit, the grievance may be taken up as an agenda item to the University Research Committee, or a sub-committee thereof.
  - 3.3.3 Notwithstanding the procedure in 3.3.1. or 3.3.2 in the case of a group grievance, a meeting may be convened within three days of the Dean and/or the Head of the Department and the deputy chair of the URC being sent written representations pertaining to the grievance. The meeting must comprise the elected spokesperson(s) as defined in 3.2. and their representatives (if requested by PDRFs) and management representatives.

### **4. ATTENDANCE AT GRIEVANCE HEARINGS (GROUP AND INDIVIDUAL)**

A grievance will often involve a complaint by one person against another. Handling the relationship between complainant and the person complained against requires care. This is especially so when these two people are in a close working relationship and/or environment. The person complained against should not be required to attend a grievance

hearing with all parties present against her/his will. If necessary, the Chairperson will have to hear the complainant and the person complained against separately.

Where possible this should be avoided, and, in cases of close working relationships, or in supervisory relationships, a meeting with both parties present (if necessary, a second round, after individual meetings) may be insisted upon by the Chairperson as part of what she/he sees as necessary for facilitating a resolution of the grievance.

## 5. RELATION BETWEEN THE GRIEVANCE AND DISCIPLINARY PROCEDURES

5.1 Grievances are often the result of misunderstanding between two or more parties and misconduct is not necessarily involved. However, where a grievance has been brought to the attention of Management and, after investigation, Management is satisfied that there is evidence of misconduct on the part of the individual who is the object or subject of the grievance, the matter must be handled in terms of the Disciplinary Procedure. The PDRF who lodged the grievance may be asked to be a witness at a disciplinary enquiry. The decision to invoke the Disciplinary Procedure will normally mark the end of the grievance procedure.

5.2 If on application by the grievant or the person grieved against, the relevant Dean or Deputy Vice-Chancellor, as the case may be, is satisfied that the grievance procedure should continue simultaneously or be revived at the conclusion of the disciplinary proceedings, it may be so ordered by the Dean or DVC concerned.

Approved by Senate & Council July 2004