

Complaints about the Conduct of Staff

13. Complaints about the conduct of GU staff made by anyone other than GU staff should be referred first to the GU President (president@gradunion.cam.ac.uk). Complaints made by GU staff themselves should be dealt with through an Employment Complaints procedure as laid down by the GU Board of Trustees or in GU staff contracts or collective employment agreements. [see *staff handbook grievance procedure*]

14. The President should acknowledge receipt of a formal complaint to the complainant within 3 working days of receiving it. Within 10 working days of receiving a complaint, the President should do one or more of the following:

(a) Recuse himself or herself from the procedure and designate another person or body to carry out one or more of the steps that follow

(b) Respond to the complainant outlining why a specific amount of additional time is needed for specific tasks that are necessary to properly investigating the complaint.

(c) Judge the GU complaints procedures incompetent to hear the complaint and take all reasonable measures to refer the complainant to a body with proper jurisdiction

(d) Reject the Complaint

(e) Uphold the Complaint in part and set out corrective action

(f) Uphold the Complaint in full and set out corrective action

(g) Refer the complaint to the Board of Trustees. If the President's ruling on the complaint would involve a serious admission of civil or criminal liability, the President should automatically refer the complaint to the Board of Trustees.

15. Any ruling of the President may be appealed to the Board of Trustees by anyone directly involved in the complaint or in corrective action set out by the President.

16. Complaints referred or appealed to the Board of Trustees shall be put on the Board's agenda for its next regular meeting. If Board members feel that the complaint must be dealt with urgently, they may call an emergency meeting.

17. If students directly involved in the complaint or in the decision of the Board of Trustees are dissatisfied with that decision, they may appeal it to the Junior Proctor, and the Board of Trustees should advise all relevant parties of this fact and of how such an appeal could be made.

18. If the complaint is not referred to the Board of Trustees, the President should report the complaint and its disposition to the next regular meeting of the Board of Trustees.

DISCIPLINARY PROCEDURE (staff handbook)

If the Graduate Union as an employer has a serious issue with an employee, it may invoke the below disciplinary procedure. In this context, issues that the GU may wish to raise with an employee include matters concerning performance such as timekeeping, absence, use of facilities, health and safety, or other issues that relate to conduct such as behavior and attitude, including gross misconduct.

The GU is committed to working with its officers and staff in a way that is honest, transparent and fair, and will strive to maintain regular and constructive communication throughout. The GU seeks to create a consultative and collaborative working environment, and therefore hopes that many concerns can be solved informally before they become more severe in nature and require a more formal process. If this is the case, your line manager will ask to speak with you privately to raise the issue. You will have a fair chance to respond, and any outcomes will be mutually agreed before being implemented. If the issue persists, your line manager may initiate the formal disciplinary process.

The process may be initiated by an employee's line manager, either as the result of an incident they have been witness to, an ongoing concern they have, or as the result of a grievance or complaint raised by another employee. If a perceived conflict of interest exists, your line manager may ask another appropriate person (likely the Manager, President, or another member of the Board of Trustees) to lead the process. An investigation will be carried out, and during this period, the GU may suspend you with pay in order to assist with the investigation.

As part of the investigation, you may be asked to attend a fact-finding meeting. If this is the case, you will be asked to attend a meeting, in writing, with no less than five working days' notice. If you wish to be accompanied to this meeting by a trade union representative or colleague, you may arrange for this, so long as at least two days' notice has been given. You will have the opportunity to provide your side of the case, and any evidence you feel is relevant, at the fact-finding meeting, and whoever is leading the meeting will do so in a fair and reasonable manner. No decisions regarding disciplinary action will be taken at this meeting.

If after the fact-finding meeting it is decided that there is a disciplinary case to answer, you will be notified in writing of the alleged issue (including any specific evidence held) and the possible consequences under consideration.

A formal disciplinary meeting will be arranged promptly, and with no less than five working days' notice. If you wish to be accompanied to this meeting by a trade union representative or colleague, you may arrange for this, but please provide at least two working days' notice of this. If you wish to be accompanied and your companion cannot attend at the date and time previously agreed, you may request to move the meeting so long as reasonable notice is given. Should an employee repeatedly rearrange the meeting without good cause, such that the investigator feels it impossible to continue with the process, they have the right to make a decision based on the evidence available. The investigator may also arrange for an independent observer to attend and take notes. A formal disciplinary meeting is designed to establish facts and collate evidence. The investigator will begin by ensuring all attendees have been introduced, and stating that the purpose of the meeting is to consider whether

disciplinary action should be taken. They will then state the nature of the complaint and outline the case based on evidence held; the employee will be allowed to see any witness statements and question the content at this point. The employee will then be invited to state their case, respond to any allegations and present evidence or call witnesses. The accompanying person brought by the employee may also ask questions, and may confer privately with the employee. Additionally, if a key witness is unable to attend the meeting, the investigator may decide to adjourn in order to hear the evidence at a later date. The meeting is formal in nature but should be a two-way process in which right of response is upheld and any relevant information relating to the case is made available.

Before any decision regarding disciplinary action is taken, the meeting will be adjourned so that the investigator can summarise the case and decide on the next steps. The meeting may also be adjourned if the employee seeks to raise a grievance during the meeting. If a grievance is raised at this point, the disciplinary process may be suspended until the grievance is resolved, or the investigator may decide to consider the matters concurrently.

Following the conclusion of the meeting, the investigator will decide whether disciplinary action will be taken. You will be notified of the outcome of the meeting in writing within two working days. This notification will set out the nature of misconduct, the disciplinary action and any relevant timescales that apply (such as the point at which a written warning is no longer active), and the deadline for launching an appeal. At this stage, disciplinary action may include:

- An improvement note in relation to poor performance
- An initial formal written warning in relation to misconduct
- A final written warning, if repeated poor performance of misconduct remains unresolved twelve months after the initial warning
- As a last resort, dismissal (only applicable in relation to unelected staff)

In the instance of gross misconduct, earlier stages of disciplinary action may not be suitable and summary dismissal may be required. Gross misconduct may include theft or fraud, physical violence or bullying, serious insubordination, or deliberate damage to or misuse of property. If gross misconduct is suspected, the usual disciplinary process will be followed and you will be informed of the nature of the allegations in writing when any disciplinary meeting is called.

Should you wish to appeal the decision, you must promptly notify this in writing, including an explanation of the grounds for appeal. The appeal will be considered by somebody who has not previously been involved in the disciplinary investigation, and this is likely to be another member of the Board of Trustees. They will arrange to meet with you to discuss the appeal, and will remind you that you may be accompanied to such a meeting. They will hear the appeal and give it fair consideration, paying particular attention to any new evidence that has come to light or any flaw in the process previously carried out, and after the meeting, will write to you with a decision within 48 hours. This represents the final stage of the GU's internal disciplinary procedure.

If you believe you have been treated unfairly or are unsatisfied with the outcome, you may wish to seek external arbitration. At this point, you should speak to your trade union, the Citizens' Advice Bureau, or the Advisory Conciliation and Arbitration Service for advice regarding how to take the matter further.

BULLYING AND HARASSMENT

The Graduate Union has a zero tolerance approach to bullying and harassment within the workplace. The organisation takes its obligation to preventing such unlawful behaviour seriously, and any grievances or disciplinary concerns regarding bullying or harassment will be treated with appropriate severity.

The GU recognises the definition of harassment as set out in the Equality Act 2010: "unwanted conduct related to a protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual." The GU recognises ACAS' definition of bullying: "offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient". In line with this definition and the GU's approach to bullying, unacceptable behaviour within the organisation includes:

- Verbal abuse
- Exclusion or victimisation
- Overbearing supervision or other misuse of power
- Physical (including sexual) assault
- Unfair treatment

The GU is committed to promoting a safe, healthy and fair workplace. Complaints regarding bullying and harassment within the workplace will be dealt with under the grievance and/or disciplinary procedure. An employee wishing to register concerns in relation to bullying and harassment should refer to these procedures in order to raise an issue. Any complainant raising an issue of this nature will be afforded confidentiality, as far as is reasonably practicable.