



Grievance Policy

Including Bullying & Harassment

All Campuses

SEPTEMBER 2021

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Responsible Office:	Human Resources

HERIOT-WATT UNIVERSITY

GRIEVANCE POLICY

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POLICY

1.	INTRODUCTION
	<p>The University is committed to promoting and maintaining a working environment where any grievances can be discussed openly between colleagues, and staff are treated with respect and dignity.</p> <p>A grievance is defined as any concerns, problems or complaints that employees raise with their employer.</p> <p>The University encourages employees to raise any concerns as soon as they arise in order to settle any concerns as promptly and effectively as possible.</p> <p>This policy and associated procedure set out the University’s approach to resolving concerns which may arise within the workplace.</p> <p>Such concerns may include, for example,</p> <ul style="list-style-type: none"> • concerns about inappropriate behaviour observed or received, including those of a more sensitive and complex nature, such as bullying and/or harassment • the application of a particular University policy, procedure or condition of employment that is felt to have been wrongly interpreted • Unfair or inconsistent treatment in comparison to colleagues <p>The Appendix to the Grievance Procedures sets out some examples of the type of concern or grievance dealt with under this Policy and Procedure.</p>
2.	KEY PRINCIPLES
	<p>The University recognises that, from time to time, employees may have issues or concerns with their work or workplace relationships that they wish to address. The ability to discuss issues openly and respectfully is essential to fostering a positive working environment. The grievance procedure is not a substitute for good day-to-day communication where employees are encouraged to discuss and resolve daily working issues.</p> <p>The policy and procedure exists to support colleagues in both raising and responding to concerns in a consistent and transparent manner. Wherever possible informal/direct resolution of differences is preferable, but a formal process is sometimes required to enable all parties to work together to find a mutually acceptable resolution.</p> <p>The University believes that grievances should focus on issues and behaviours and not the person or people concerned.</p> <p>The University recognises that being involved in a grievance process can be difficult for all parties concerned and is committed to providing appropriate support from the outset for all parties in these circumstances.</p> <p>The aim of the process, at any stage, is for staff to feel that they can raise concerns and have them heard and seriously considered, whilst being involved in the discussions on the best way forward to resolve the concern being raised.</p> <p>Where any grievance reaches a formal resolution stage, both parties may be accompanied by a work colleague or, in the UK only, a Trade Union representative at any meetings. There is no entitlement to legal representation for any parties involved in the grievance, including the University, at any meeting under this procedure.</p>

	<p>If an employee has requirements at any stage of the procedures because of a disability or wishes to inform the University of any relevant medical or health condition, the employee should contact the appropriate Human Resources (HR) representative. This may include the need to make reasonable adjustments during the grievance process</p> <p>The University will maintain the right of academic staff to exercise their Academic Freedom as that term is understood in accordance with the legislation, ordinances and resolutions affecting the University. The right of 'academic freedom' is balanced by the obligation to use that freedom responsibly and professionally.</p> <p>The making of malicious, vexatious or spurious allegations is not tolerated by the University and any such behaviours may give rise to action under the relevant Disciplinary Procedures which may be found on our HR Policy web page here</p>
3.	OBJECTIVES
	<p>This objective of this policy and associated procedure is to set out the framework for dealing with all workplace grievances and is designed to ensure that the University's approach to dealing with such issues is fair, transparent, and consistent.</p> <p>This policy works in conjunction with the University's Global Respect Statement and our commitment to the principles of positive working relationships set out on this page If it is perceived that a working relationship is being affected by a potential failure to align behaviours with the principles outlined by the Respect Statement, and this has not been resolved informally through discussion, then the Grievance Procedure should be followed.</p>
4.	SCOPE
	<p>This Policy and its supporting procedure applies to University employees across all HWU campuses. Throughout this Policy and associated procedure, it will be made clear where, due to legal requirements and practices outside the UK, different processes will apply.</p> <p>The scope of this Policy and Procedure covers concerns that may be raised about the application or interpretation of university terms and conditions or policies and procedures and concerns about inappropriate behaviour, including behaviour perceived to be bullying or harassment of any kind.</p> <p>Where an employee has a concern about the specific written terms of a Policy or Procedure, rather than the way in which the Policy or Procedure is being applied to them, they should raise this with their line manager in the first instance who will in turn raise it with the Policy Owner.</p> <p>Where an employee in one jurisdiction raises a grievance where the respondent is working in another location, the predominant procedure followed will be that applicable to the person raising the grievance.</p> <p>This policy and procedure applies to concerns raised personally by one or more named employees, arising out of their employment. ¹</p> <p>This policy does not cover collective grievances raised on behalf of a group of employees by one of the University recognised trade unions. Any such formal collective grievances will be considered via local meetings between the union, relevant management and HR under the CJNCC Terms of Reference and reported to the CJNCC.</p>

¹ In Dubai this Policy and Procedure also applies to part-time or adjunct workers

	<p>There is no legal requirement to deal with grievances raised by ex-employees, however the University will consider a grievance raised by a former employee provided it is received within 4 weeks after the end of employment. A modified form of the grievance procedure will apply in these circumstances with the complaint being investigated and a final response from the University being sent out to the former employee in writing. There is no right of appeal for grievances raised by former employees. If a grievance is received out with these timescales and it is deemed to be of a serious nature, for example if matters of potential misconduct have been identified, then the matter will still be investigated by the University.</p> <p>Should an employee raise a formal grievance during their notice period, every effort will be made to investigate and hear their grievance before their employment comes to an end. Where there is insufficient time to do so, the University will adopt a modified approach to the procedure whereby they will investigate the issues raised and provide the employee with a written response.</p> <p>If an ex-employee wishes to inform the University of a serious problem after they have left, they may contact HR in the first instance at HRHelp@hw.ac.uk.</p> <p>Alternatively, issues and concerns which the ex-employee believes may be in the public interest can be raised via the Public Interest Disclosure (Whistleblowing) Policy</p> <p>This Policy does not form part of any contract of employment in any location. The University may amend the Policy at any time through consultation with the recognised trade unions.</p>
5.	CONFIDENTIALITY
	<p>In order to support the University's commitment to promoting and maintaining a working environment where any concerns can be discussed openly between colleagues, all matters should, as far as possible, be kept confidential by all parties. Employees are free to speak in confidence, to a partner, close friend or family member or GP, counsellor, Should it be deemed appropriate or necessary to share information on the matter with others, then agreement should be sought wherever possible before discussing the matter with others.</p> <p>During any investigation, careful consideration will be made regarding the number of witnesses interviewed to ensure a thorough investigation to take place whilst considering the confidential nature of the subject matter. Witnesses should only be given such information that is required to enable them to respond to questions and the need for confidentiality should be emphasised to all witnesses. In some cases, the investigation may identify related issues which need to be considered but do not relate directly to the Employee who raised the grievance. Only information directly relevant to the Employee will be shared with the employee.</p>
6.	LINES OF RESPONSIBILITY
6.1	Employees
	<p>All employees are responsible for their individual compliance with the terms of this policy and procedure. They have a clear role to play in the development of a working environment where any concerns can be discussed openly between colleagues, and staff are treated with respect and dignity. Employees should be aware of their own conduct and act in accordance with the University's values.</p>

6.2	Line Managers
	<p>As well as their obligations as an Employee, Line Managers 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 behaviour in the workplace. This includes the duty of care placed on managers to support and protect employees as well as positive adherence to the University's values</p> <p>Employees, who are also Managers, have a further responsibility to explain the University's policy to their staff and to take steps to positively promote the policy.</p>
6.3	HR
	<p>The HR Department is responsible for providing advice on the operation and application of this policy and procedure, and to take a proactive role in ensuring consistency of application across the University. This includes HR's responsibility to actively support managers in their duty of care and also their own positive adherence to the University's values.</p> <p>HR can also provide additional guidance during the procedure to managers, the employee, any companion, Respect Ambassadors and to any witnesses.</p> <p>In Malaysia and Dubai, HR can take on the role of managing the grievance.</p>
7.	MONITORING AND EVALUATION
	<p>This Policy and related Procedures will be reviewed every five years from the date of implementation, or earlier if legislation dictates. Any amendments will be notified to employees through the normal communication channels and/or e-mail. This Policy and related Procedures will be maintained on the Human Resources Hub.</p> <p><u>Records</u></p> <p>A written note of all informal/initial meetings including the date and nature of the matter and any agreed outcomes should be kept in a secure confidential location by the manager. This information should also be shared with the employee.</p> <p>A written note of all formal/grievance meetings including the date and nature of the matter and any agreed outcomes should be kept in a secure confidential location by HR. Any relevant documentation should be shared with the Employee and Respondent(s).</p> <p>Records and information obtained under this Policy and the related Procedures will be kept held and reported on in line with the Data Protection Act 2018, the University's Records Retention Policy and in line with the Staff Privacy Notice. In particular, data collected as part of the grievance procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints or conducting the grievance procedure.</p> <p>General statistics are maintained and reported for equal opportunities monitoring, Athena SWAN and other accrediting bodies, Freedom of Information requests and key performance indicator purposes.</p> <p>Any reports produced using this information will be kept securely and confidentially with personal data removed in accordance with the Data Protection Act 2018 and the University's Records Retention Policy.</p>

8.	RELATED POLICIES, PROCEDURES AND FURTHER REFERENCE
8.1	Overlap with other procedures
	<p>The University reserves the right to transfer the issue to a different policy either during or after an investigation should there be sufficient evidence to support this and it is deemed appropriate to do so.</p> <p>A Grievance Manager may identify that the matter, if found, would be considered to be a serious matter of misconduct. Colleagues in HR will support the manager in considering the most appropriate way forward and in such cases, a decision may be taken to formally investigate the matter under the disciplinary procedure at any point during the process.</p> <p>Where a Grievance Manager recommends that consideration be given to the matter under the Disciplinary Procedure, they should ensure that the allegation of misconduct is clearly identified, and the investigation carried out during the Grievance Procedure will also take the form of the investigation prior to a disciplinary meeting. In such cases, an investigation report would be completed by the Grievance Manager. The Grievance Manager should not seek to form a conclusion or outcome ahead of further independent consideration under the Disciplinary Process but in the investigation report they would make their recommendations and pass this to the disciplinary team to consider.</p> <p>If a decision is made to follow a different procedure, the individual raising the concern would be informed of this however they would not be informed of the outcome of any subsequent meetings under another procedure, such as any disciplinary warnings issued.</p> <p>Staff based in Dubai also have a right to register a grievance with the UAE Ministry of Human Rights and Emiratization (this is a paid service). For further information contact hrdubai@hw.ac.uk or see this link: https://www.mohre.gov.ae/en/our-services/register-labor-complaints.aspx.</p> <p>The University encourages employees to raise any concerns as soon as they arise in order to settle any concerns as promptly and effectively as possible and, wherever possible to do so through this Policy and Procedure before seeking external arbitration.</p>
8.2	Related policies and procedures
	<p><u>Global</u> This policy works in conjunction with the University's Global Respect Agenda.</p> <p>Other related Global Policies include:</p> <ul style="list-style-type: none"> • Public Interest Disclosure Policy (“Whistle-Blowing” Policy) • Public Interest Disclosure Procedure (“Whistle-Blowing” Procedure) <p><u>UK</u></p> <ul style="list-style-type: none"> • Disciplinary Policy & Procedure • Code of Conduct <p>All UK policies can be found in the HR section of the intranet.</p> <p>Further information on the right to representation at meetings in the UK only can be found here.</p> <p><u>Malaysia</u></p> <ul style="list-style-type: none"> • Employee Handbook

	<ul style="list-style-type: none"> Disciplinary Procedures <p>All Malaysia policies can be found on the HR Hub</p> <p>Dubai</p> <ul style="list-style-type: none"> Dubai Employee Handbook 										
8.3	Further reference										
	This policy and associated procedure is written in line with the UK's ACAS-code-of-practice-on-disciplinary-and-grievance-procedures										
9.	DEFINITIONS										
	<table border="1"> <tr> <td>Employee(s)</td> <td>The individual(s) who raises the concern</td> </tr> <tr> <td>Global Respect Statement</td> <td>Document outlining the University's commitment to ensuring that all colleagues, students and visitors have a safe and healthy environment in which to work, visit and study by not tolerating behaviour that is offensive, threatening, humiliating or intimidating no matter their background, nationality, ethnicity, faith or sexuality</td> </tr> <tr> <td>Respondent(s)</td> <td>The person (or people) identified as responsible for the issues being raised</td> </tr> <tr> <td>Respect Ambassador</td> <td>A trained colleague who a fellow colleague can approach confidentially to discuss their concerns about one or more incidents where they feel they have experienced or witnessed unacceptable behaviour, including harassment or bullying, in the course of their work</td> </tr> <tr> <td>Trade Union Representative</td> <td>Trade Union Representatives are trained by the Union to assist and provide support to union members during their employment.</td> </tr> </table>	Employee(s)	The individual(s) who raises the concern	Global Respect Statement	Document outlining the University's commitment to ensuring that all colleagues, students and visitors have a safe and healthy environment in which to work, visit and study by not tolerating behaviour that is offensive, threatening, humiliating or intimidating no matter their background, nationality, ethnicity, faith or sexuality	Respondent(s)	The person (or people) identified as responsible for the issues being raised	Respect Ambassador	A trained colleague who a fellow colleague can approach confidentially to discuss their concerns about one or more incidents where they feel they have experienced or witnessed unacceptable behaviour, including harassment or bullying, in the course of their work	Trade Union Representative	Trade Union Representatives are trained by the Union to assist and provide support to union members during their employment.
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10.	FURTHER HELP AND ADVICE										
	<p>Global</p> <p>The University has an Employee Assistance Programme which is available across all Campuses and employees can utilise this service to speak with independent and trained counsellors on matters of wellbeing, including workplace issues. Respect Ambassadors are also available for confidential advice.</p> <p>UK</p> <p>For HR advice and support please contact the relevant HR Representative or HRHelp@hw.ac.uk</p> <p>ACAS offers advice to both UK employers and employees in the UK.</p> <p>You may also wish to seek advice from your Trade Union Representative. The University recognises the following unions:</p> <ul style="list-style-type: none"> UCU http://heriotwatt.web.ucu.org.uk or UCU@hw.ac.uk Unite https://unitetheunion.org/ or unite@hw.ac.uk Unison https://www.unison.org.uk or unison.hwuniversity@hw.ac.uk EIS https://www.eis.org.uk/ <p>Malaysia</p> <p>For HR advice and support in Malaysia please contact hr.my@hw.ac.uk</p>										

	<p>Dubai For HR advice and support in Dubai please contact hrdubai@hw.ac.uk</p> <p>Dubai employees may also log a Labor Grievance with UAE Ministry of Human Rights and Emirisation: https://www.mohre.gov.ae/en/our-services/register-labor-complaints.aspx</p>			
11.	POLICY VERSION AND HISTORY			
	Version No	Date of Approval	Approving Authority	Brief Description of Amendment
	V. 1.0	24.05.2021 Refreshed Dec 21	Staff Committee	<ul style="list-style-type: none"> • Combines previous Grievance and Bullying / Harassment Policies and Procedures. • Reflects the Global approach to managing staff concerns (specific country legislation is identified). • Links to the Global Respect Statement • Refreshed to include clear references to sexual misconduct and degrees of abuse

Appendix 1	ROLES AND RESPONSIBILITIES <i>In this section, all roles must act in line with the duty of care placed upon them as employees and managers; and ensuring confidentiality is maintained at all times, including the enhanced confidentiality responsibilities that are a fundamental part of the role of the HR Directorate and Respect Ambassadors</i>
1.1	Employees
	<p>Their role is to explain the basis for their grievance, be clear on the resolution sought, the basis for this and how it may be achieved. They should actively engage in the process, including responding in a timely manner to any requests made by the Grievance Manager or Appeal Manager and do what they can to assist in resolving their grievance.</p> <p>Where-ever possible, they should initially raise the concern informally/directly as raising a concern in a timely and measured manner may often resolve the matter without the need for any formal process.</p> <p>Once a formal response has been given to the concern raised, they should, if applicable, work alongside the Respondent on any recommendations made by the Grievance Manager to resolve the issues raised.</p>
1.2	Respondents
	<p>Their role is to actively engage in the process, understand the concerns raised and explore ways to mutually resolve them.</p> <p>Should the concern be raised formally, they should respond to questions raised by the Grievance Manager and, where possible, make suggestions as to how the matter might be successfully resolved. They may also suggest additional witnesses who they believe would have relevant input to the matter.</p> <p>Once the formal response has been given, they should act to implement any recommendations made by the Grievance Manager and if appropriate this could be working with the Employee and seeking support from senior management to put these into place.</p>
1.3	Grievance Manager
	<p>Their role is to seek to resolve the grievance, in a transparent and impartial manner. They meet with the Employee to understand the basis for the grievance and the resolution sought. They will conduct any investigation required, including meeting with the Respondent(s) and any witnesses. Following the investigation, the Grievance Manager will reach a conclusion on the outcome and make appropriate recommendations to resolve the grievance. They will then communicate these to the Employee, in person where appropriate and practicable, and confirm them in writing. They will also inform any other relevant parties of the outcome and actions required to take forward the recommendations.</p> <p>The Grievance manager, with support from HR (where applicable), is responsible for ensuring that as far as possible, both the Employee and the Respondent are kept informed and feel equally supported and fairly treated throughout the process.</p>

1.4	Appeal Manager
	<p>Their role is to complete a full review the paperwork and process conducted at the grievance meeting, carry out further investigations if any additional information is provided by the Employee and to reach a conclusion on the resolution of the grievance appeal. In delivering their conclusions they will also make recommendations to support those involved to move forward.</p> <p>They are not assigned to re-hear the original grievance but to consider whether the process followed was thorough and fair; to investigate any further information provided; and whether the outcome and recommendations were reasonable.</p>
1.5	Line Manager
	<p>The Employee's line manager may be the Respondent or alternatively, they may take the role of the Grievance Manager.</p> <p>If they are not the Respondent, the line manager should take appropriate actions to support the Employee through the process. They may provide guidance to the Employee; simply discussing a situation with them may assist in resolving it. Actions may include approaching others (including the Respondent, HR or a more senior colleague) during the informal stage to support the Employee in seeking a resolution. The line Manager should respect the confidentiality of the Employee as far as possible when speaking with others.</p> <p>The Line Manager may also have responsibility for delivering or supporting the delivery of any recommendations arising from the formal stages of a grievance. The Line Manager should take responsibility to monitor recommendations and ensure the Employee is kept informed and is supported accordingly.</p>
1.6	HR
	<p>The role of HR is to provide advice and guidance on the application of the Policy and Procedures at all stages and to promptly assist with the timely application of the procedure throughout all its stages. This is to ensure consistency of application and that all parties are treated fairly and with respect and are both guided and supported through the grievance process</p> <p>They may also advise on potential options for resolution, sharing information on relevant policy matters and precedence relating to the case. The HR Representative does not make the decision on the outcome but may be asked to support the actions arising from any recommendations made by the Grievance Manager or Appeal Manager. In Malaysia and Dubai, the roles of Grievance Manager may be taken on by HR.</p> <p>The HR Representative is responsible for retaining documents relating to the Grievance and the investigation and recording the outcome on the HR System.</p>
1.7	Witnesses
	<p>Witnesses will be asked to attend a meeting to confirm their written evidence. A written statement will be taken outlining what they saw or heard and will be presented to all parties in the formal process.</p> <p>All witnesses interviewed must respect the confidentiality of those involved and will only be informed of such details of the grievance required to enable</p>

	<p>them to respond to questions. They will not be notified of the outcome of any grievance matter.</p> <p>Whilst trying to maintain confidentiality, the University reserves the right to restrict the number of witnesses called to a meeting if, for example, all witness statements confirm the same evidence, the statements do not relate to factual evidence or the purpose of calling multiple witnesses may unduly delay proceedings.</p>
1.8	Trade Union Representatives (where recognised) / Work Colleague
	<p>The role of the TU Rep or Work Colleague is to support the Employee or Respondent during the grievance process. They may assist to prepare for any meetings, define the issues and any supporting evidence and also the resolution they are seeking. They may present information at any formal meetings on behalf of the Employee and help them to ensure the Grievance Manager has as full an understanding as possible. They may not answer questions put directly to the Employee but may make a statement on their behalf if agreed by the Employee.</p> <p>Additionally, The UK Trade Union Representatives are partners and active contributors to the Respect Agenda.</p> <p>The Trade Union Representative or work colleague may request an adjournment during any meetings if they feel this is required. They may also make suggestions as to how the grievance might be resolved.</p> <p>The work colleague should be an employee of the University who does not have a conflict of interest, such as being a family member or friend, or having been part of a fact-finding/investigation or prior decision. The work colleague may also be a Respect Ambassador.</p> <p>It is not a standard practice to offer the right of representation of trade unions in Malaysia and Dubai however, a fellow work colleague may be permitted, and this would be discussed with the Grievance or Appeal Manager.</p>
1.9	Note-Takers
	<p>Their role is to take notes of the meeting to ensure there is an accurate written summary of the formal meetings. Notes of meetings are not verbatim but will be an accurate reflection of the points raised, decisions made and explanation of decisions.</p> <p>The University does not normally permit the recording of any meetings held under this policy and procedure.</p>

Grievance Procedure

PROCEDURES

HERIOT-WATT UNIVERSITY
PROCEDURES TO SUPPORT GRIEVANCE POLICY
CONTENT

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1.	<p>INFORMAL/INITIAL RESOLUTION</p> <p><i>In this section, any reference to meeting may include online meetings if all parties are comfortable with this approach or where to hold face to face meetings would result in a lengthy delay to resolution.</i></p> <p>Every effort should be made to resolve grievances informally (without the need for a grievance meeting under further resolution) and directly in the first instance and at the earliest opportunity so that the issue can be resolved quickly. This demonstrates the University's commitment to supporting staff who are experiencing problems at work.</p> <p>If an employee has a concern relating to their work, they should first ask to talk to their line manager, or where the complaint relates to the line manager, with a more senior manager. The complaint does not need to be submitted in writing. In cases relating to perceived behaviours, it may be that someone is unaware that the behaviour is unwelcome or objectionable and that a direct approach can resolve the matter without the need for further action. If an Employee is not sure who to speak to, they should approach someone in HR for advice.</p> <p>Where the issue or concern relates to the Principal, Vice-Principal & Provost or University Secretary, please raise this with the Global Director of HR as separate levels of authority apply.</p> <p>Any employee who has any workplace concerns, including those of a more sensitive nature such as perceived bullying, harassment, victimisation or discrimination can also contact the University's Employee Assistance Programme, Respect Ambassadors or Trade Union Rep for advice.</p> <p>A line manager who has had initial issues raised with them should arrange a meeting with the Employee, ideally within 5 working days of the issue being raised with them to explore in confidence how the matter could be resolved without using the formal process.</p> <p>They may also seek advice from HR or a more senior manager whilst respecting the request by the Employee for confidentiality. Where the concern involves someone in another area of the University the line manager may need to approach an appropriate senior manager to explore the issues and how best to resolve the concern. In Malaysia and Dubai, the line manager should contact HR in the first instance if they have an issue raised with them. Whilst more than one meeting may be needed, the first meeting should be held within 5 working days and if this is not possible, the line manager should explain the reason for the delay but ensure a meeting is held as soon as possible thereafter.</p> <p>Every effort should be made to reach a resolution as quickly as possible and a written note of the date and nature of the matter together with any agreed outcome should be kept in confidence by the manager and copied to the employee. Ideally the decision should be communicated within 2 working days of the final meeting.</p> <p>The manager, or HR if in Malaysia or Dubai, should follow up with the Employee raising the concern to provide any necessary support and ensure that, if applicable, any agreed timeframes for resolution are being met.</p> <p>Guidance to help employees and managers raise and/or consider initial concerns is available on the Global Respect Agenda section of the HR Hub.</p>
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2.	FORMAL/FURTHER RESOLUTION – GRIEVANCE MEETING
2.1	Submitting the grievance
	<p>If the informal/initial approach does not result in satisfactory resolution or if the matter is too serious to be dealt with informally/directly, an Employee may raise a formal grievance. A formal grievance must usually be made within 3 months of attempted informal/initial resolution and certainly without unreasonable delay.</p> <p>This should be done in writing and should be addressed to either the line manager, (or where the complaint relates to the line manager, to a more senior manager) and copied to HR. Where the grievance is received by the line manager or senior manager only, this manager must inform HR of the grievance.</p> <p>The letter should clearly set out the issue or behaviour giving rise to the concern, and the resolution being sought and clearly state the issues to be addressed. Appendix 2 sets out some guidance on how to put this in writing.</p>
2.2	Appointing a Grievance Manager
	<p>A management representative (Grievance Manager) should be appointed to hear the grievance and the University will acknowledge receipt of the grievance from the Employee. The Grievance Manager will not have any involvement with the matter being complained about, will not be part of the direct line management structure of the parties involved, will be senior to the parties involved and have no conflict of interest. There may be cases, especially those of a complex or sensitive nature, whereby it may be appropriate for the Grievance Manager to be appointed from a different school or Directorate.</p> <p>In Malaysia and Dubai, the Grievance Manager role may be taken by either HR or a Manager.</p> <p>Respecting the right to conserve Academic Freedom, the role of the Grievance Manager will be given to an individual with appropriate technical knowledge. Such appointments will be made subject to avoiding current and potential conflicts of interest. Where an issue relating to Academic Freedom exists or has been raised by the individual, then a Dean or the Vice Principal or delegated nominee must be consulted.</p>
2.3	Grievance meeting
	<p><i>In this section, any reference to meeting may include online meetings if all parties are comfortable with this approach or where to hold face to face meetings would result in a lengthy delay to resolution.</i></p> <p>Issues and grievances raised by an employee at a formal level should be dealt with as quickly as possible. This demonstrates the University's commitment to supporting staff who are experiencing problems at work.</p> <p>The Grievance Manager will write to the Employee inviting them to attend a meeting to discuss their concerns, under the University's Grievance Procedure. The meeting should be held without unreasonable delay after a grievance is received and normally within 5 working days. If this is not possible, the Grievance Manager should explain the reason for the delay but ensure a meeting is held as soon as possible thereafter.</p> <p>At the meeting, the Employee may be accompanied by a trade union representative (UK only) or a work colleague and the Grievance Manager will be supported by an HR</p>

	<p>Representative (only applicable in Malaysia and Dubai if the Grievance Manager is not an HR Representative). A note taker may also be present.</p> <p>The meeting allows the Employee to explain the background to their grievance and the resolution they are seeking. It is also for the Grievance Manager to ensure they understand the issues and to mutually explore potential options for resolution. The Grievance Manager should also seek to understand who else they may need to speak to prior to reaching a recommendation for resolution.</p> <p>Notes will be taken of the meeting and shared with the Employee as soon as possible after the meeting, ideally within 2 working days. The Employee may comment on the notes to ensure they are accurate, also ideally within 2 working days of receiving the notes. If they wish to add additional information not raised at the meeting, they may do so, but these should be clearly noted as an insert.</p> <p>If the Employee or their trade union representative is unable to attend the initial grievance meeting, steps will be taken to rearrange this as soon as possible. However, if the Employee is continuously unable or unwilling to attend a meeting, the Grievance Manager may investigate and reach an outcome based on the information available to them. A decision to proceed in this way will be communicated in writing to the Employee.</p>
2.4	<p>Investigating the grievance</p> <p>The Grievance Manager will then conduct any further investigation required. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. This may involve reviewing relevant University policies applicable to the location where the employee raising a grievance is based, documents provided by the Employee, interviewing witnesses and speaking to the Respondent(s). If the Grievance Manager believes the investigation has the potential to result in an allegation of misconduct, then the points noted in Section 8 of the Grievance Policy should be adhered to.</p> <p>The Grievance Manager will set out an investigation plan, including who they may need to interview as part of the investigation and an estimated realistic timeline within which interviews will be carried out and a concluding report written and shared. This should be shared with the Employee and the individual/s against whom the Employee has raised the grievance. Given diary commitments and unforeseen circumstances, this timeline may need to be amended from time to time but the Grievance Manager should ensure that all parties are kept up to date with any changes to the timeline and reasons for any delay (without breaching any personal confidential information).</p> <p>It is important that all those involved in the matter feel supported and encouraged to engage in the process of seeking a mutually acceptable resolution. Any named Respondent(s) should be informed as soon as possible that a grievance has been raised and any letter inviting them to an investigation meeting must also clearly set out that a Respondent may be accompanied by a trade union representative (UK only) or a work colleague.</p> <p>Any witnesses should be invited to formal investigation meetings and provided the right to representation. Information provided to witnesses should be kept to the minimum required to ensure they are able to provide the information being sought by the Grievance Manager, whilst considering the need for confidentiality.</p> <p>The Grievance Manager may decide it is necessary to meet with the Employee raising the grievance more than once, prior to concluding their recommendations, to discuss how to resolve the grievance. This could be to seek additional information or to give</p>

	<p>the Employee an opportunity to respond if further information has been provided by a Respondent or witnesses.</p> <p>This investigation stage should be concluded as timeously as possible after the initial meeting with the Employee and all parties should be prepared to attend meetings as scheduled. It is important to all parties that the investigation is not delayed except where absence or unavoidable business reasons require a meeting to be rescheduled. If the investigation will take longer than anticipated or is held up due to unforeseen circumstances, the Grievance Manager should ensure they communicate with the involved parties to keep them informed of the progress and set out a likely time scale.</p> <p>In the UK the Grievance Manager may compile an investigation report, summarising the facts of the case, steps taken to investigate and their recommendations for resolution, if they feel it is appropriate to do so. In Malaysia, the Grievance Manager must write up an investigation report and this should be passed to the HR Management Committee for review and final decision. Likewise in Dubai, an investigation report must be retained on file in case a complaint is made to the Ministry of Labor.</p>
2.5	Communicating progress and the outcome
	<p>The Grievance Manager should keep in contact with all parties throughout the investigation so that they are aware of the stage the process has reached. This is particularly important where a case requires meetings with several different people or several meetings to understand the issues. Ideally a weekly email or call would be appropriate.</p> <p>Once they have reached a conclusion the Grievance Manager should prepare a formal response in writing to the Employee and communicate it as soon as possible after the investigation has taken place. This will set out the concerns considered, the steps they have taken to investigate them, their conclusions and the resolution they are recommending.</p> <p>In Malaysia and Dubai, the HR Management Committee will decide the resolution based on the submitted investigation report and HR will communicate the outcome to the Employee.</p> <p>Where possible and appropriate, the Grievance Manager should arrange a follow up meeting with the Employee who raised the grievance to discuss the outcome, with a particular focus on any recommendations and/or further action required to support a resolution.</p> <p>The Respondent(s) should also be informed of the outcome and it may be appropriate for the Grievance Manager to meet with the Respondent(s) and/or their line manager to support the implementation of any recommendations.</p>
2.6	Withdrawal of a grievance
	<p>If, at any time, the employee wishes to withdraw their grievance, they must make their intentions known to the Grievance Manager or HR Representative. The University reserves the right to continue to investigate and deal with any issues raised, for example if matters of potential misconduct have been identified.</p>
3.	RIGHT OF APPEAL
3.1	Lodging an appeal
	<p>If the Employee is not satisfied with the outcome of the grievance, they may raise an Appeal. The appeal should be submitted, in writing to the Global HR Director, within 10 working days of receipt of the outcome letter with the full grounds of appeal being clearly stated.</p>

	<p>The appeal stage is not intended to be a rehearing of the original grievance. Typically, the grounds for appeal should fall within one of the following:</p> <ul style="list-style-type: none"> • Procedural error • The outcome and recommendations do not appear appropriate based on the findings of the investigation • There has been insufficient consideration of specific factors raised during the investigation • Further information is now available which could not have reasonably been provided when the original outcome was communicated
3.2	<p>Appointing an Appeal Manager</p> <p>The Global Director of HR will appoint an independent manager (The Appeal Manager) to consider the appeal. The Appeal Manager will normally be senior to the Grievance Manager and will be presented with all of the material available from the original grievance. In Malaysia and Dubai, the Appeal Manager will be a more senior HR colleague than the one who heard the original grievance or someone from the Senior Leadership Team.</p> <p>Dependant on the nature of the grievance, if the Grievance Manager was appointed due to the matter being a case of Academic Freedom, as highlighted in section 2.2, then these sections may be applicable for appointing the Appeal Manager as well. The Respondent(s) will also be informed that an appeal has been received.</p>
3.3	<p>Appeal meeting</p> <p><i>In this section, any reference to meeting may include online meetings if all parties are comfortable with this approach or where to hold face to face meetings would result in a lengthy delay to resolution.</i></p> <p>As before, it is important that issues and grievances raised by an employee should be dealt with as quickly as possible. This demonstrates the University's commitment to supporting staff who are experiencing problems at work.</p> <p>The Appeal Manager will write to the Employee inviting them to attend a meeting to present their appeal, under the University's Grievance Procedure. The meeting should be held without unreasonable delay after an appeal is received but ideally within 10 working days of the Appeal Manager being appointed. At the meeting the Employee may be accompanied by a trade union representative (UK Only) or a work colleague and the Appeal Manager will be supported by an HR Representative. A note taker may also be present.</p> <p>The appeal meeting allows the Employee to explain why they think the outcome from the initial grievance was incorrect or failed to resolve the grievance. The Appeal Manager will ask questions to ensure they understand the grounds for the appeal and any new information being presented along with the resolution being sought. Notes will be taken of the meeting and shared with the Employee and, as with the grievance meeting, the Employee may comment on the notes to ensure they are an accurate reflection.</p> <p>The Appeal Manager will adjourn the meeting to consider the information and conduct any additional investigations they feel necessary. This is likely to involve meeting with the original Grievance Manager and potentially the Respondent(s) but only where this is felt necessary to reach a conclusion.</p> <p>If the Employee or their trade union representative is unable to attend the Appeal meeting, steps will be taken to rearrange this as soon as possible. However, if the</p>

	Employee is persistently unable or unwilling to attend a meeting, the Appeal Manager may review the material and reach an outcome on the information available to them. A decision to proceed in this way will be communicated in writing to the Employee.			
3.4	Communicating the outcome			
	Once the Appeal Manager has considered all the points raised, they will provide a formal response to the Employee in writing. This will be done without any unnecessary delay and, where possible and appropriate, the Employee may be invited to a further meeting to hear the outcome. The outcome of the appeal and any additional recommended actions will always be communicated formally to the Respondent(s). The decision of the Appeal Manager is final and there is no further stage of Appeal.			
4.	SUMMARY			
	<p><u>Informal/Initial</u></p> <ol style="list-style-type: none"> 1. Explain the issue or concern 2. Discuss options to improve/resolve the issue or concern 3. Agree an action plan with timescales/support 4. Review the action plan 5. Conclude the matter <p><u>Formal/Further</u></p> <ol style="list-style-type: none"> 1. Employee explains in writing the issue or behaviour giving rise to the concern and the resolution being sought 2. University assigns a Grievance Manager to undertake a fact-finding investigation, including meeting all parties and chosen witnesses. In Malaysia and Dubai an investigation report is completed at the end of the investigation but in the UK this is not mandatory. 3. Grievance Manager (or HR in Malaysia and Dubai) based on the discussions at the HR Management Committee) will communicate findings and recommendations for resolution to all parties. <p>If Applicable</p> <ol style="list-style-type: none"> 4. Employee lodges an appeal in writing 5. University assigns an Appeal Manager to hold an appeal meeting 6. Appeal Manager will communicate the outcome of the appeal 			
5.	PROCEDURES VERSION AND HISTORY			
	Version No	Date of Approval	Approving Authority	Brief Description of Amendment
	V. 1.0	24.05.2021 Refreshed December 21	Staff Committee	<ul style="list-style-type: none"> • Combines previous Grievance and Bullying / Harassment Policies and Procedures. • Reflects the Global approach to managing staff concerns (specific country legislation is identified). • Links to the Global Respect Statement. • Refreshed to include clear references to sexual misconduct and degrees of abuse

Appendix 1

Examples of grievances that may be dealt with under this Policy and Procedure Inappropriate Behaviour

Information set out in this section is based on the Global Definitions of Respect which you can find in more detail here:

<https://heriotwatt.sharepoint.com/sites/LivingOurHWUValues/SitePages/RESPECT.aspx>

If you experience or observe any of these inappropriate behaviours, please refer to the Procedures for guidance on who to approach and how to deal with the situation.

Being bullied

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power to undermine, humiliate, denigrate or injure the recipient.

Examples of bullying at work could include:

- Speaking negatively about a particular characteristic of a person.
- Having discussions with colleagues which are negative or disrespectful about any protected characteristic
- Excessive supervision and monitoring and being excessively critical about minor things with malicious intent.
- Taking the credit for the other person's work but never the blame when things go wrong.
- Open aggression, threats, abuse and obscenities, shouting and uncontrolled anger triggered by trivial situations.
- Humiliating, ridiculing or belittling in front of others, persistent criticism or sarcasm.

The bullying might:

- Not be intended or deliberate
- be a regular pattern of behaviour or a one-off incident
- happen face-to-face, on social media, in emails or phone calls
- happen at work or at work social events
- not always be obvious or noticed by others

Being harassed

Harassment is identified as unwanted conduct related to a relevant protected personal 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.

Harassment is often specific to the person and their feelings of being harassed or demeaned. It may be persistent or a single incident.

Harassment does not need to be deliberate: someone may demonstrate harassing behaviour without intending to. Despite this, it is unwarranted and unwelcome and will often cause embarrassment, fear, humiliation or distress to an individual or groups of individuals.

The difference between "bullying" and "harassment" is that, in harassment, the unwanted behaviour must have either:

- violated the person's dignity, whether it was intended or not
- created a hostile environment for the person, whether it was intended or not

Examples of Harassment include

- Engaging in "banter" which can be perceived as disrespectful towards a particular person or group of people.

- Isolating an individual or group of people
- Opposing or challenging everything that someone says.
- Online harassment through social media for example, email, instant messaging, social networking websites (e.g. Facebook, Twitter, blogs), or text messages. This includes making or sending disrespectful or negative comments.
- Unwanted physical contact or physical attack
- Verbal abuse or threats

Being Sexually Harassed

Sexual harassment is unwanted behaviour of a sexual nature, where the unwanted behaviour must have either:

- violated someone's dignity, whether it was intended or not
- created a hostile environment for them, whether it was intended or not

A Further Note about Unacceptable Behaviours and Sexual Misconduct

This covers a broad range of inappropriate, unwanted, behaviour. From the most severe forms of sexual violence including rape and sexual assault, it extends to unwanted touching, stalking, abusive or degrading remarks and across the vast range of inappropriate behaviour in between. It may also include

- “Grooming” (when someone builds a relationship, trust and emotional connection with a child, young person or other adult so they can manipulate, exploit and abuse them)
- Abuse of power from an employee in a position of influence over another, whether a more junior member of staff, a student or casual worker and regardless of the gender of either party
- Sharing, or threatening to share intimate photos or videos without consent

Whilst it is not possible to detail all inappropriate behaviours, the common thread is the lack of informed consent. Consent is always required and cannot be assumed based on the parties' relationship status or sexual history together. Consent can be withdrawn at any time before or during sexual activity by either party.

Application or Interpretation of University Policy or Procedure

In these examples, you should always try to resolve this situation by speaking to your Line Manager first for an explanation. It may be that either you or your manager have misinterpreted the Policy

- For example, you feel your manager has not followed the process in the Flexible Working Policy and has not explained clearly why your application has not been approved
- For example, you are refused a period of leave as set out in the Leave of Absence Policy where you think you may be eligible; or you are only offered unpaid leave for a period of absence that the Policy states is paid leave
- For example, all your annual leave requests are rejected so that you are unable to take your entitlement.
- For example, you are not granted access to a particular system which you need to undertake your role effectively

Concern about the terms of a Policy

In these examples, you should speak to your Line Manager first who will be able to ask the Policy Owner for the reason that the Policy contains the conditions

For example, the expenses you are allowed to claim under the Travel and Expenses Policy

Appendix 2

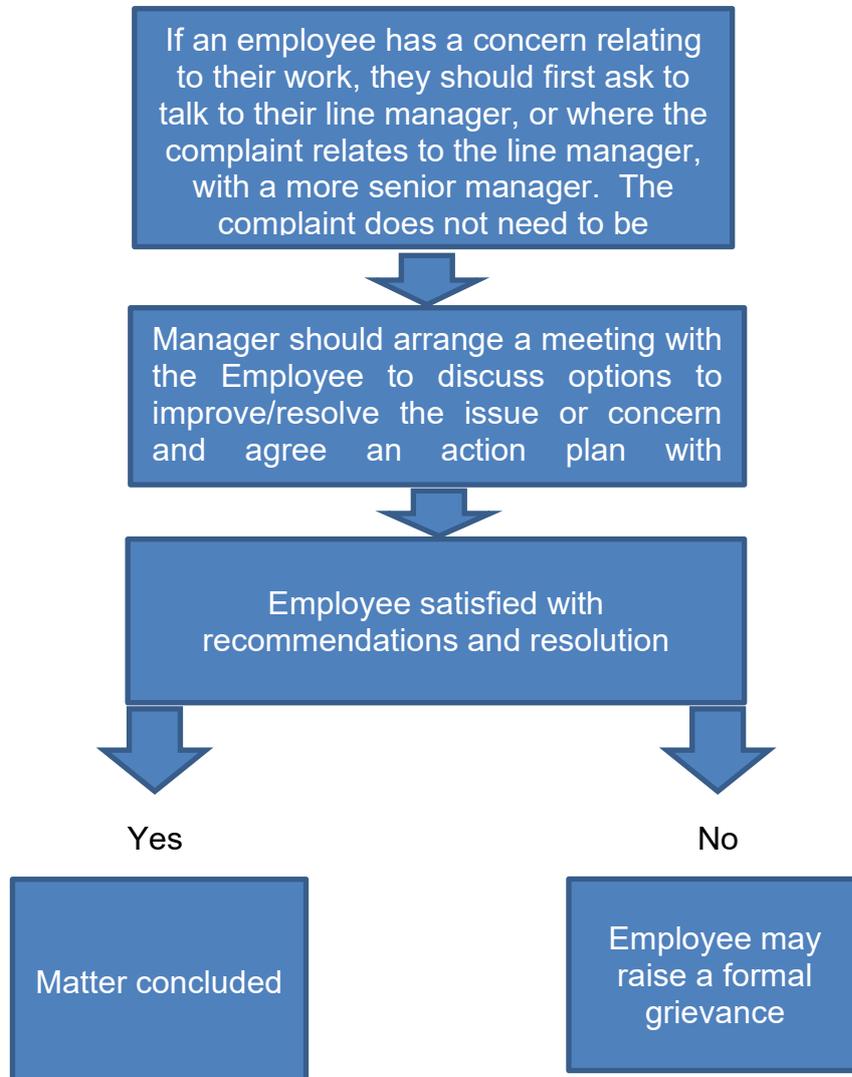
Guidance on how to set out your Grievance

1. prepare what you want to say, for example how to explain what you're unhappy about and why.
2. If you are not confident about writing things down, you may wish to seek advice from a colleague, HR or TU rep for help in setting things out clearly, but as far as possible, it should be in your own words.
3. Remember that you will have the opportunity to speak to your line manager or Grievance Manager in a meeting, so you may wish simply to note bullet points of your concerns to explain in more detail at the meeting.
4. if you have dates and times where you feel you have been treated inappropriately, it would be helpful to note them in your grievance
5. If you have emails that you wish to refer to, choose those that you think best help to explain what your grievance is about. If you provide too many emails with a lot of detail it may be difficult for the Grievance Manager to be clear about your concerns. You may wish to provide other emails at the meeting.
6. Try to describe how the issue or grievance you are raising has made you feel.
7. Think about whether you would consider mediation as a means of either resolving your grievance or helping a difficult relationship to improve. This is not compulsory, but you may find it helpful to be able to explain your feelings and express your concerns with the support of a trained mediator, who can help you and the person whose behaviour is causing you concern to understand each other's position and improve your relationship together.
8. Think about what you would like to happen as a result of raising your grievance. For example, do you want an explanation as to why you have had a request for, e.g. flexible working, rejected? Do you want certain behaviour to stop? Remember that you cannot request that certain action such as discipline or dismissal should be applied to the person or persons you are raising your grievance against, but if the Grievance Manager believes that the individual has behaved inappropriately, they may recommend that the Disciplinary Policy and Procedure is invoked to consider whether a disciplinary hearing is appropriate.
9. Think about what happens after the grievance, bearing in mind that in most cases, you will need to continue to work with those against whom you have raised a grievance. What support would help you to do so and from whom?

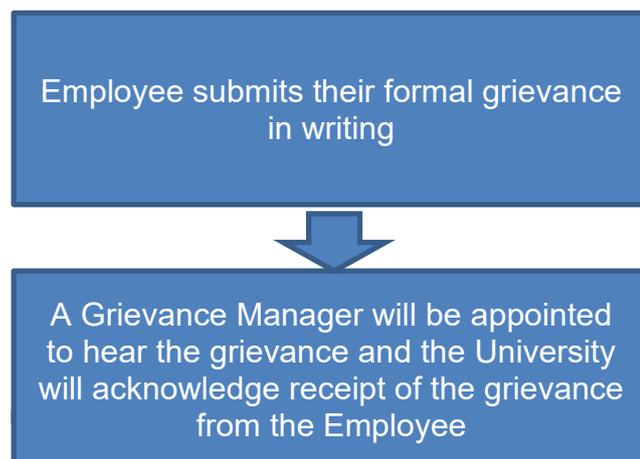
Appendix 3 – Flowchart

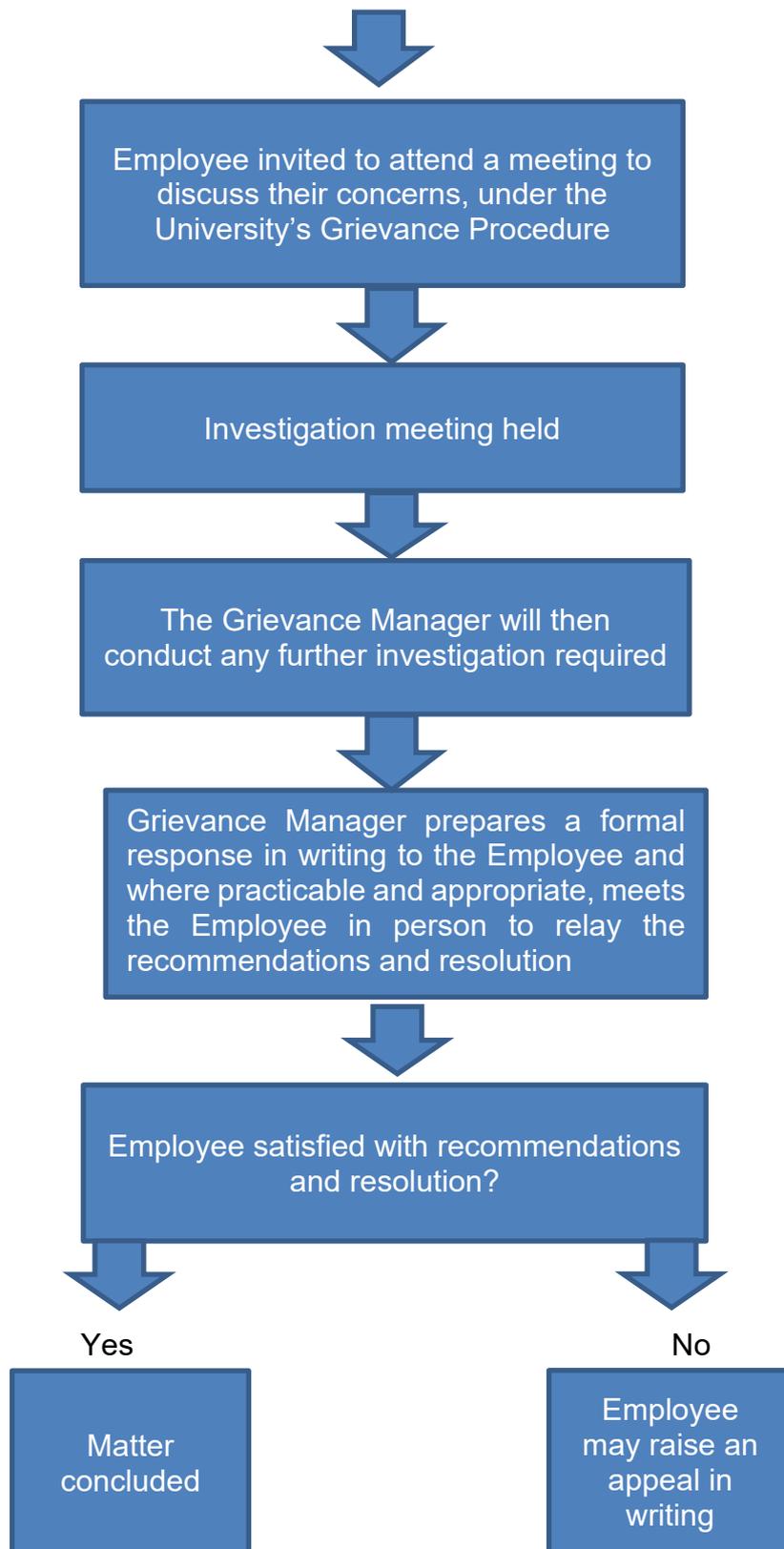
Grievance Flowchart

Informal Process



Formal Process





Appeal Process

