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MOP_ADM_001_15.1	A	GRIEVANCE BOARD COMPOSITION AND TERMS OF REFERENCE				



MCAST Manual of Administrative Procedures

Chapter 15.1: Grievances Board (Staff and Students) Terms of Reference

Process Owner	HR Director
Document Approver	Administrative Council
Minimum list of document users to be notified upon release of document update	Principal and CEO, Deputy Principals, Directors, Deputy Directors, All other administrative and academic staff. All students.

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Continuous Improvement

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In the case of a conflict in the interpretation between the Manual of Procedures and the Collective Agreement(s), the Collective Agreement(s) shall prevail.

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1. Purpose

The MCAST Grievance Board is established to:

- Investigate formal grievances submitted by staff and students and in accordance with the MCAST Grievance Procedure.
- Ensure that grievances are addressed fairly, impartially, and in a timely manner.
- Deliver a reasoned final report setting out the Board's findings, conclusions and recommendations on each grievance case following formal hearing processes.

2. Authority and Scope

The Board:

- Operates within the framework of MCAST regulations, policies, procedures, and relevant legislation.
- Investigates grievances formally referred to it by MCAST staff and students.
- Issues findings, conclusions and recommendations for submission to the Principal & CEO and the complainant (as described in the MCAST Grievance Procedure).
- Handles grievances through the formal procedure where informal resolution has been unsuccessful or where the complainant chooses to pursue a formal grievance without first engaging in informal procedures.

3. Composition

The MCAST Grievance Board members are appointed by the Principal & CEO and shall be external to the MCAST. The Board shall be constituted of:

- A Chairperson,
- Two Members
- A Board Secretary formally appointed by the MCAST Grievance Board at its discretion where required. The Board Secretary shall not form part of the Board for the purposes of decision-making or quorum.

4. Appointment and Tenure

- Members, including the Chairperson, are appointed for a period of two (2) years.
- Appointments may be renewed for up to two consecutive terms.

5. Meetings

- The Board shall meet:
 - At least once per month;
 - More frequently as required depending on caseload and urgency.

6. Functions and Responsibilities

The Grievance Board is responsible for:

- Conducting formal grievance hearings in a structured and fair manner.
- Ensuring proceedings are carried out in a spirit of dialogue and reconciliation wherever possible.

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- c) Reviewing evidence and documentation submitted by all parties and ensuring that each party is given a reasonable opportunity to present its position and respond to any material evidence or allegations concerning it. Where the Board considers that its findings, conclusions or recommendations may materially and adversely affect the rights or legitimate interests of a person who is not a party to the grievance, that person shall, before the Board concludes its deliberations, be afforded a reasonable opportunity to make representations on the matter insofar as it concerns them.
- d) Applying relevant institutional policies and legal frameworks in reaching its findings, conclusions and recommendations.
- e) Maintaining strict confidentiality throughout the grievance process.
- f) Producing a final report setting out its findings, conclusions and recommendations following the investigation process.

7. Findings, Conclusions and Recommendations

The Board shall:

- a) Deliberate on the evidence and reach findings, conclusions and recommendations on each case.
- b) Document its findings, conclusions and recommendations in a formal report.
- c) Ensure that the final report setting out the Board's findings, conclusions and recommendations is communicated clearly and formally (as described in the MCAST Grievance Procedure).

The Board's findings, conclusions and recommendations are non-binding. Complainants may, where they consider it appropriate, seek recourse or review through other fora available to them.

8. Reporting Line

The Board reports its findings and conclusions and recommendations to the complainant and the MCAST Principal & CEO (as described in the MCAST Grievance Procedure).

In the case of a complaint directed at the Principal & CEO, the Board shall submit the report to the complainant and the MCAST President of the Board of Governors.

9. Operating Principles

In carrying out its functions, the Board shall ensure:

- a) Full respect for the dignity of all parties involved.
- b) Strict confidentiality of all proceedings.
- c) Transparent communication throughout the process.
- d) Fairness, consistency, and impartiality in reaching its findings, conclusions and recommendations.
- e) Timely handling of grievances.

10. Interaction with the Grievance Procedure

The Board operates as the formal body within the grievance procedure framework, following unsuccessful informal resolution or where the complainant is otherwise entitled to proceed directly to the formal grievance procedure.

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11. Administrative Support

The Board is supported administratively by:

- a) The Grievance Office;
- b) The Board Secretary (where appointed)

12. Quorum Requirements

A quorum shall consist of all three Board members, namely the Chairperson and the two Members. The Board Secretary, where appointed, shall not count towards quorum. Where a Board member is recused or otherwise unable to participate in a case, the Board shall not proceed with the substantive consideration of that case until a replacement member has been appointed in accordance with these Terms of Reference. For the avoidance of doubt, the quorum requirement shall not apply to the determination of a conflict-of-interest objection under clause 13 by the person authorised under that clause to determine such objection.

13. Conflict of Interest Provisions

Members shall declare any actual, potential or perceived conflict of interest prior to participation in a case.

The complainant may also raise a reasoned objection to the participation of any Board member on the grounds of an actual, potential or perceived conflict of interest. Any such objection shall be submitted in writing, stating the grounds upon which it is based, as soon as reasonably practicable after the complainant becomes aware of the circumstances giving rise to the alleged conflict.

Where the objection concerns a Member other than the Chairperson, the objection shall be determined by the Chairperson. Where the objection concerns the Chairperson, the objection shall be determined by the Principal & CEO. The person whose participation is being challenged shall not participate in the determination of the objection but shall be afforded a reasonable opportunity to provide any information or representations relevant to the alleged conflict.

A Board member with a conflict of interest shall:

- a) Recuse themselves from all deliberations and from participating in the formulation of any findings, conclusions or recommendations related to the case;
- b) Not have access to case documentation beyond what is strictly necessary to determine the conflict.

Where the conflict concerns the Chairperson or other member of the Board, the Principal & CEO shall ensure that a replacement member is appointed where required to ensure that the integrity and impartiality of proceedings is safeguarded.

14. Timelines

Subject to any mandatory timelines established by an applicable Collective Agreement or other binding procedure, the Board shall adhere to the following indicative timelines:

- a) Convening of first hearing: within 10 working days of receipt of the formal grievance file;

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- b) Completion of hearings and investigation: within 2 months, unless complexity requires extension;
- c) Issuance of Final Report within 10 working days following conclusion of hearings

Any deviation from these timelines shall:

- a) Be justified in writing;
- b) Be communicated to all parties

15. Record-Keeping and Retention

The Grievance Board shall ensure that:

- a) All documentation, including submissions, correspondence, minutes, and reports, is formally recorded.
- b) Records are maintained securely in line with data protection requirements (including GDPR)

The Grievance Office shall:

- a) Maintain a complete case file for each grievance
- b) Ensure records are retained in accordance with MCAST's applicable records retention policy and data protection requirements. Ensure access is restricted to authorised personnel only.