Selection Appeals Policy – General Staff

Last updated: 26 March 2010 Policy allocated to: Director, Human Resources

This policy applies to General staff covered by *The University of Sydney Enterprise Agreement 2009-2012* (**the Agreement**).

(A) Eligibility to lodge appeal

(1) Clause 321 of the Agreement permits General staff (other than probationary and casual staff) who have been an unsuccessful applicant for an advertised position to lodge an appeal against the selection decision in accordance with this policy.

(2) The circumstances in which an appeal may be lodged are as follows:

(a) the unsuccessful applicant must have been a staff member (other than a probationary or casual staff member) at the time applications for the position closed;
(b) the unsuccessful applicant must have been interviewed for the position;
(c) the successful applicant must have been a member of University staff at the time of selection;
(d) the position is classified at a higher level and has a higher salary than the unsuccessful applicant's current position;
(e) the unsuccessful applicant must be ready, willing and able to take up the duties of the position;
(f) on the basis of the unsuccessful applicant's application and any material they submitted at interview, they demonstrably satisfied all essential selection criteria for the position; and
(g) an appeal may be lodged only on grounds that:

(i) the Selection Committee breached the University's Recruitment and Selection Policy; or
(ii) the selection process was defective because the Selection Committee undertook an inappropriate evaluation of candidates.

For the purposes of **paragraph 2(g)(i)**, non-attendance by a Selection Committee member at short-listing meetings and/or interviews will not of itself constitute a breach of the University's Recruitment and Selection Policy.

(3) A staff member whose position has been declared redundant, and who was an unsuccessful applicant for a position may lodge an appeal against a selection decision provided that the criteria set out in **paragraph 2(a), (b), (c), (e), (f) and (g)** of this policy are satisfied.

(4) An unsuccessful applicant who satisfies the criteria in **paragraph 2** or **3** of this policy (as applicable) may lodge an appeal in relation to a selection decision.

(B) Procedure

Appeals

(1) Before lodging an appeal in relation to a selection decision, a staff member:

(a) must request a written report stating the reasons for their non-selection. Such a request must be made to the relevant HR Team within five days of being notified of the selection decision, and the report must be provided within five days of receiving the staff member's request; and

(b) may request a meeting with the Chair of the Selection Committee to discuss their non-selection.

(2) If after receiving the report referred to in **paragraph 1(a)** the staff member wishes to appeal in relation to the selection decision they must do so in writing to the Delegated Officer (Staffing) within five days of receipt of the report. The appeal must specify the grounds upon which it is based and set out all relevant supporting evidence.

(3) Selection appeals will be dealt with in accordance with **paragraphs 4** to **9**.

(4) The Delegated Officer (Staffing) or their nominee and a nominee of a staff representative of the Management and Staff Consultative Committee ,will consider the material submitted by the appellant and the Selection Committee's report and may discuss the matter with:

(a) the appellant (or if requested, their representative);

(b) the Chair of the Selection Committee; and/or

(c) the decision maker in the selection process (**the Delegate**).

(5) If after completion of the steps referred to in **paragraph 4** the Delegated Officer (Staffing) (or where applicable, their nominee) or the nominee of a staff representative of the Management and Staff Consultative Committee considers that there are reasonable grounds for the appeal, they must:

(a) notify the successful applicant of the appeal, give them a copy of all material submitted by the appellant and provide them with an opportunity to submit in relation to the matter within five days of receipt of notice of the appeal;

(b) convene a Review Committee (which will be comprised as set out in **clause 326** of the Agreement), provided that the Review Committee cannot include any person who was involved in any aspect of the selection process to which the appeal relates).

(6) The Review Committee will consider the appeal and prepare a report for the Delegated Officer (Staffing) within ten working days in relation to:

(a) whether the Selection Committee breached the University's Recruitment and Selection Policy;

(b) whether the selection process was defective because the Selection Committee undertook an inappropriate evaluation of candidates; and

(c) if there is found to have been a breach or defect of the kind referred to in **paragraph 6(a) or 6(b)**, whether it may have resulted in the appellant being incorrectly not selected for the position.

(7) The appellant may be represented before the Review Committee by a person of their choice, provided that such representative may not be a currently practising legal practitioner in private practice.

(8) The Review Committee will determine its own procedures, but in doing so:

(a) will provide the staff member (or their representative) with a reasonable opportunity to make submissions and present evidence in relation to the matter before the Review Committee;
(b) may conduct interviews with the appellant, the successful applicant, the Chair of the Selection Committee and/or any other person considered by the Review Committee to be relevant, and examine documents as it thinks fit;
(c) must not take into account any new material supplementing the appellant's original application for the position; and
(d) must not provide the appellant with access to documentation that would identify other applicants for the position or to referees' reports that have been provided on a confidential basis.

(9) The Delegated Officer (Staffing) will make a final determination within seven days of receiving the Review Committee's report and may:

(a) dismiss the appeal and confirm the Delegate's selection decision;
(b) determine that a breach or defect of the kind referred to in **paragraph 6(a) or 6(b)** occurred, but that the breach or defect did not result in the appellant being incorrectly not selected for the position and confirm the Delegate's selection decision; or
(c) refer the matter back to the Delegate for reconsideration of the selection decision, and make such recommendations as the Delegated Officer (Staffing) considers appropriate (including for example, recommending that a new Selection Committee be convened).

(10) The decision of the Delegated Officer (Staffing) is final and is not reviewable under **clauses 318** of the Agreement. If at any stage an unsuccessful applicant or appellant fails to comply with the deadlines specified in this policy, the Delegate's selection decision will be confirmed.

Where there is more than one appeal in relation to a particular selection decision, the appeals will be dealt with together.

Grievances

A grievance can only be lodged in relation to a selection decision where the criteria outlined in paragraphs A (2)(a)-(f) of this policy have **not** been satisfied.

A grievance in relation to a selection decision can only be lodged on the grounds that:

(i) the Selection Committee breached the University's Recruitment and Selection Policy; or
(ii) the selection process was defective because the Selection Committee undertook an inappropriate evaluation of candidates.

Where the grievance is on grounds of discrimination or harassment, it will be dealt with in accordance with the University's Discrimination and Harassment Procedures.

Administration

1. Background

This document was reviewed in 2009 and operates in conjunction with *The University of Sydney Enterprise Agreement 2009-2012*.

2. Management Responsibility

Director, Human Resources

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3. Dates

Approval (version 1)	28/04/2006
Effect	02/05/2006
Review	November 2009
Approval (version 2)	26/03/2010

4. Approval

Version 1	Professor Ann Brewer Deputy Vice-Chancellor (Infrastructure)
Version 2	Dr Michael Spence Vice-Chancellor and Principal

5. Signatures

Approved by:

Name

Dr Michael Spence

Position

Vice-Chancellor and Principal

Date

26 March 2010