



GRIEVANCE HANDLING POLICY **AND** **PROCEDURES**

IEC UNIVERSITY

Policy/Procedure

Distribution: University wide
Community

Approved By:

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A. Introduction

IEC University (“the University”) is committed to maintaining a campus environment where its diverse population can live and work in an atmosphere of acceptance, civility, and mutual respect for the rights, duties and sensibilities of each individual.

It is generally recognized that in any human group complaints may originate because of misunderstandings, miss-communication, perceived injustices, unanswered or incorrectly answered questions or minor problems that have been neglected. Effective communication techniques are the tools by which one builds good human relations and accomplish the objectives of the institution.

The University's objective is to encourage communication so that questions and difficulties arising during employment can be brought into the open and resolved quickly, fairly and as close to the level of origin as possible.

The IEC University recognizes that from time to time individual employees may wish to seek to have grievances relating to their employment resolved.

To the extent possible, strict confidentiality will be maintained regarding all matters relevant to grievances on a criterion of “need to know.”

Each Head of Department will distribute the Grievance Handling Procedures to all individuals in his or her area who are covered by this Policy and Procedures. The formal grievance process may generally be activated only after an effort has been made to resolve an issue through an informal process and when discussions between the parties to the disagreement have been exhausted and left unresolved

The University reserves the right to restrict use of the Grievance Policy and Procedures in any circumstances where it appears the Grievance Policy and Procedures are being used to harass students, faculty members, staff members or leadership.

B. Purpose of Grievance Policy and Procedures –

- This procedure is designed to provide a framework for the quick and effective resolution of difficulties that may arise at the workplace through open and honest communication and discussion between colleagues.
- The aim of the procedure is to ensure that employees who feel aggrieved about the way they have been treated either by management or by their colleagues are given every opportunity to express their views and to have the issues resolved in a fair and speedy manner. The procedure seeks to achieve solutions through appropriate informal methods prior to the use of the formal processes, and is concerned to achieve a mutually acceptable resolution rather than to establish guilt or innocence. A separate procedure exists in the University policy manual to deal with disciplinary issues.

C. Scope

1) This procedure applies to all employees of the University other than the Chancellor, Pro-Chancellor, Vice-Chancellor, President, and Vice President.

2) A grievance may be raised about any matter concerning work or conditions of employment other than:

- The outcome of any case in which the disciplinary procedure has been used or the complaints concerned with disciplinary measures are to be lodged as per procedure of Disciplinary Policy.
- Where separate procedures have been agreed to deal with specific types of grievance (e.g. harassment or 'whistle blowing'). Employees may opt to use these instead of this generic procedure.
- Such complaints should be handled through procedures established for the specific topic. These are not exhaustive lists.
- These procedures will not apply in instances where a case has previously been raised and or seen through to appeal via another procedure or University policy that complies with the statutory dispute resolution regulations.
- Complaints that attempt to change the nature of an existing University policy or procedure

3) This procedure does not apply to issues relating to pay and benefits. The exception would be where the complaint potentially involves discrimination such as an equal pay for equal work issue.

4) All formal grievance cases will be recorded by the Human Resources Department and monitored and reported in relation to equality and diversity.

This Procedure is available for the issues related to the work of IEC University other than exceptions mentioned above.

D. Definitions –

Burden of Proof: The best translation of the word is “the necessity of proof always lies with the person who lays charges”.

Timescales: For the purposes of this policy, one week is deemed to be seven days, inclusive of weekends, but exclusive of holidays.

The Human Resources Department (HRD): HRD may act in an advisory capacity to any party and/or as an independent facilitator. In these circumstances HRD will discuss the issue(s) of concern. Given their independent role, HRD is not in a position to make decisions, but may offer recommendations for resolution.

Representation: At all stages in the process, parties to a grievance will have the right to be accompanied by an acknowledged staff representative which could include a work colleague of his or her choice – provided the representative is not directly involved in the case or the individual suggested by the HRD.

Confidentiality: Confidentiality means maintaining as confidential, to the extent possible, all matters related to a grievance on a criterion of “need to know.”

Need to know: The necessity for, access to, knowledge or possession of, specific information required to carry out official duties.

Faculty: Members of the University faculty including full-time, part-time, adjunct, and non-regular faculty when serving primarily in an instructional capacity. Also included are Deans and academic administrators, who retain faculty status.

Staff: Any full-time or part-time University employee other than faculty and temporary employees. Student workers are considered staff for purposes of this Policy when serving in an administrative capacity. Also included are non-academic administrators, Head of departments such as Marketing Head, IT Head.

Grievance: A grievance is an allegation by an individual based on specific facts that there has been a misinterpretation, misapplication, discriminatory application, or violation of a University Policy or Procedure. The intent of a

grievance process is to resolve a dispute over significant issues and not minor disagreements.

Grade disputes, admissions decisions, graduation appeals and similar academic decisions are not grievable issues, unless they are complaints of a civil rights nature, including complaints related to age, sex, race, religion, color, ethnic/national origin, disability, sexual orientation or veteran status.

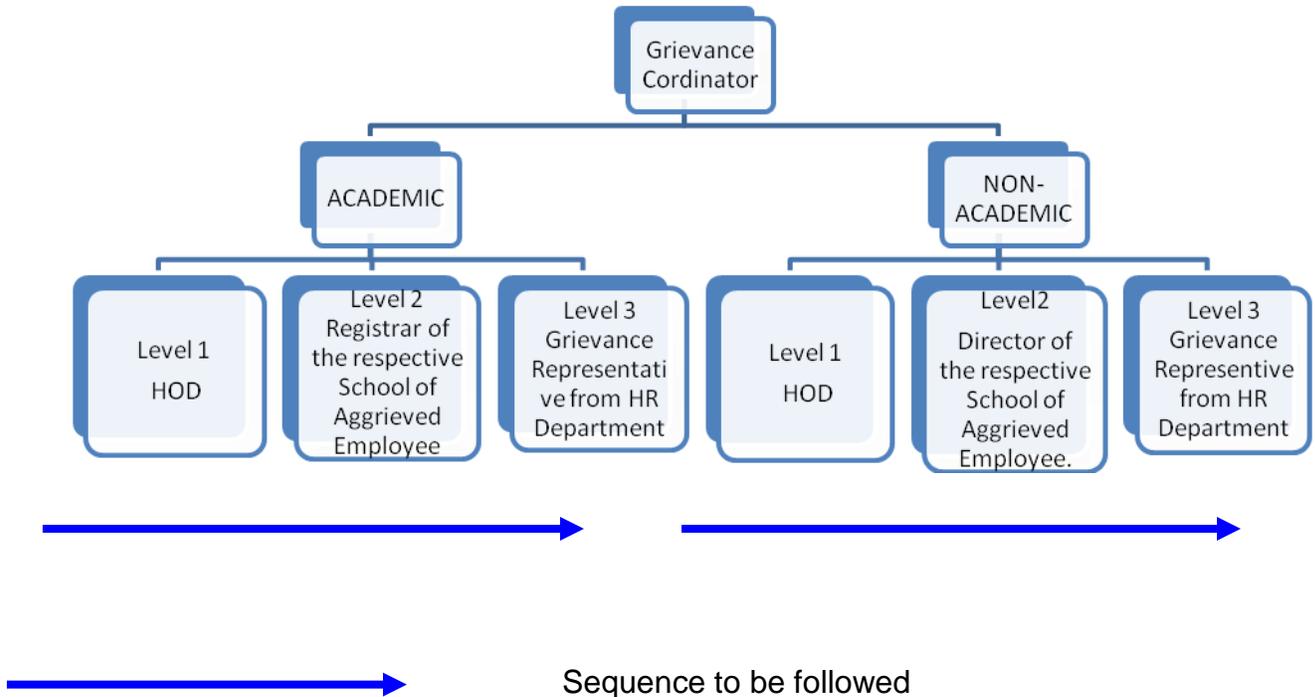
Pre-Emptory challenge: It is the right of the plaintiff and the defendant in a jury trial to have a member of the Panel dismissed before trial without stating a reason. This challenge is distinguished from a "challenge for cause" (reason) based on the potential member of the panel admitting bias, acquaintanceship with one of the parties or their attorney, personal knowledge about the facts, or some other basis for believing he/she might not be impartial.

Grievance Coordinator: The Grievance Coordinator is the individual to whom a formal, written grievance must be submitted. The Grievance Coordinator for faculty and staff is their respective HOD. If the complaint is against the HOD, then grievance coordinator for Staff is the Registrar and for Faculty the Grievance Coordinator is Director of their respective School and if grievance is against either of them i.e. either Registrar or Director then grievance coordinator is Grievance Representative from HR Department. The role of the Grievance Coordinator is to assist the parties in seeking a satisfactory resolution of the issues and not to determine who is "right" or "wrong".

Level 1: The Grievance Coordinator for the individual either from Academic or Non-Academic is their respective HOD and called as level 1 Grievance Coordinator.

Level 2: If the complaint by the Grievant is against his/her HOD then the Grievance coordinator for the academic staff is the Registrar and for the Non-Academic staff is Director and they are called as Level 2 Grievance Coordinator.

Level 3: If the complaint by the Grievant is against the Director or Registrar, in such case the Grievance coordinator for both the Academic and Non-Academic staff is Grievance Representative from HR Department and called as Level 3 Grievance Coordinator.



Grievant: The Grievant is the person lodging a grievance.

Respondent: The Respondent is the person against whom a grievance is lodged

Witness: An individual identified by the Grievant, Respondent or a member of the Grievance Hearing Panel who signs one's name to a document for the purpose of attesting to its authenticity. An individual identified as a witness or potential witness cannot be forced to testify and will not be coerced, intimidated, or retaliated against for their testimony or refusal to testify.

E. Confidentiality :

It is ensured that strict confidentiality will be maintained by all parties regarding all matters relevant to grievances on a criterion of “need to know”. In the case of all grievances and the Grievant,

Members of the Grievance Hearing Panel, as described later in this Policy, shall not discuss the Grievance outside of the Hearing Panel meetings and shall not

accept side conversations with persons who are not part of the formal hearing process.

F. Burden of proof :

Any member of the University community who files a grievance has the burden of proving, by a preponderance of the evidence, that he or she has been wronged. If, at the conclusion of the Grievance Hearing, the Grievant fails to carry this burden, then the finding should be in the Respondent's favor.

G. Civil Rights Complaints:

A Civil Rights complaint subverts the mission of the University & offends the integrity of the University Community. It is intolerable at IEC University. A grievance involves the civil Rights of an individual when age, sex, race, religion, color, ethnic/national origin, disability, sexual orientation is the primary cause of the grievance.

If the Grievant thinks that his or her civil rights are involved in a grievance, the Head of the Human Resources Department of the University should be consulted prior to or at the same time of the initiation of the grievance procedure. Following that notification, grievances which involve civil rights may be submitted to the grievance process.

Under the law, persons having grievances concerning civil rights issues (discrimination on the basis of age, sex, race, religion, color, ethnic/national origin, disability) can also file a complaint with an agency external to the University. It must be noted, however, that both the administrators of the University and the external agencies recommend the use of internal processes before initiation of external resolution processes.

H. Grievance Process

The grievance must be brought to the attention of the appropriate authority within the timelines specified in these (Procedures or the grievance will not be considered) Informal discussions between the parties at all levels of the University should occur in good faith to attempt to resolve the dispute.

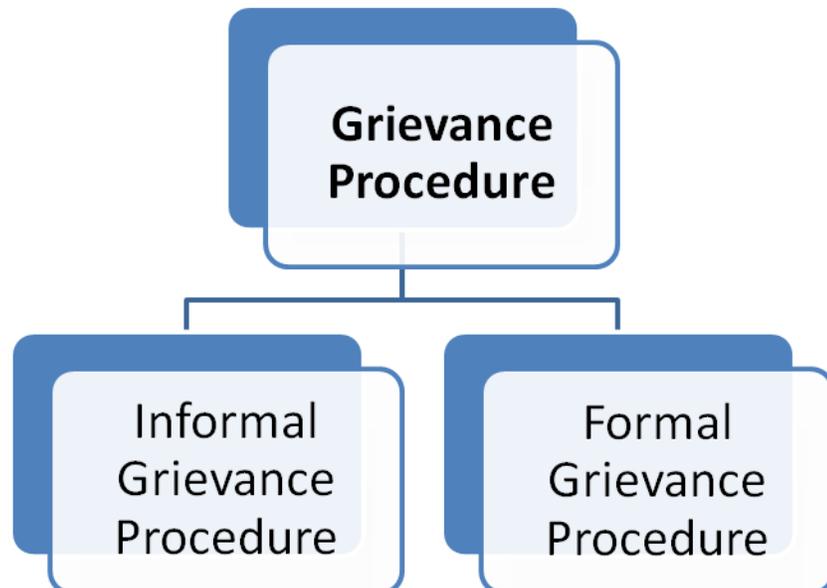
If the grievance is not satisfactorily resolved through informal means, the following points are important. The Grievant submits the written complaint to the appropriate Grievance Coordinator, within the timelines described in these Procedures, for consideration and further action, stating the nature of the

grievance, the steps that have been taken, and the resolution expected. A Grievance Hearing Panel will be convened to determine whether the issue qualifies as a grievance as defined by this Policy and, if so, to hear the grievance and make recommendations on the action, if any, and to be taken.

I. Grievance Procedure

A) Informal Grievance Procedure

B) Formal Grievance Procedure



A. Informal Grievance Procedure:

Employees wherever possible and appropriate should attempt to settle grievances informally with the other party to the grievance or their immediate manager. Such an approach will be particularly important where there is a requirement for a close working relationship. It will also allow for problems to be settled quickly. Before filing a formal written grievance, the Grievant must first make a good faith effort to confer with the party against whom he or she has a grievance in an effort to resolve the matter informally. This informal grievance procedure is described in three steps below.

In instances where the Grievant feels uncomfortable speaking to the Respondent, an immediate supervisor, department head, or Dean, or has any reservations about initiating the initial contact within the Grievant's department, school, or work unit, the Grievant should contact the appropriate Grievance Coordinator. If the grievance is against the Grievance Coordinator then the Grievance Coordinator from the HR Department should be contacted. The Grievance Coordinator will discuss the matter with the Grievant, become familiar with the complaint, and then advise the Grievant as to what options are available for resolving the problem.

The Grievance Coordinator may meet with the parties together or separately to discuss the problem and may involve other persons in these discussions as appropriate. The Grievance Coordinator may serve as a resource or a facilitator during the informal process.

In some cases it may be helpful to use a neutral mediator to help sort out a grievance and maintain working relationships.

Both grievant and respondent should keep written records of any informal attempts at resolution including dates and any agreed actions. Audio taping of informal mediations is prohibited.

Step One: Initial Discussion

Before filing a formal written grievance, the Grievant must first make a good faith effort to meet and confer with the party against whom he or she has a grievance. The Grievant should normally initiate this informal process within **three (3)** working days of the most recent incident or action leading to the grievance. This meeting should represent an effort to achieve by informal means what the Grievant regards as fair and reasonable resolution to the complaint.

The Grievant, either personally or through his or her Grievance Coordinator, has the obligation to adequately and fully inform the Respondent of the problem and what would be considered a satisfactory solution. The Respondent, in turn, has the obligation to consider the matter seriously and to answer issues as promptly as possible, yet not with un- deliberated haste. Both parties have the obligation to act in good faith.

If the issue is not resolved, then the Grievant should proceed to Step Two of the informal process.

Step Two: Meeting with Supervisor

If the Grievance is not resolved in Step One then the Grievant should contact his or her immediate supervisor or Grievance Coordinator to discuss the grievance. The Grievant must clearly inform the supervisor or other member of management that he or she is pursuing a grievance under this Policy. This step should normally be undertaken within **five (5)** working days of meeting with the Respondent. If the Grievance involves the supervisor then the Grievant should contact the next level of Grievance coordinator i.e. Dean/Director or Registrar and if against either of them then they may contact the Grievance representative from HR Department. The department head, dean, and/or the appropriate Grievance Coordinator may also be consulted during this step. A meeting to discuss the Grievance should normally occur within **five (5)** working days of the Grievant's notification of the grievance to his or her supervisor, manager, or Grievance Coordinator.

If the Grievance is resolved in this meeting then the Grievant's supervisor or department head should prepare a document summarizing the issue and its resolution and give a copy to the involved parties. If the Grievance is not resolved, then the Grievant is encouraged to use Step Three of the Informal Procedure.

Step Three: Mediation

If the matter has not been resolved to the Grievant's satisfaction in Step Two of the Informal Process then the Grievant should contact the appropriate Grievance Coordinator to request a Mediation Meeting with the Grievance Coordinator and the Respondent's Supervisor. The purpose of this meeting is to discuss the grievance and, if possible, reach a solution that is acceptable to all parties. The Grievance Coordinator will participate in this meeting and will function as the mediator to facilitate discussion and assist in resolving differences between the parties.

The Grievant's request should generally be made within **five (5)** working days of the conclusion of Step Two of this procedure. This meeting should generally occur within **five (5)** working days from the date the Grievant requests the meeting.

The Grievant should be prepared to fully explain the issue, the steps that have been taken and the resolution that is desired. If resolution is reached from this meeting, the Grievance Coordinator should document the meeting and the resolution, and obtain signatures of all involved parties. Copies of the signed documentation will be given to all involved parties, the Executive Assistant to the Director/Dean/Registrar and to the appropriate department head(s) for implementation.

If resolution is not reached, the Grievant may proceed with the Formal Procedure.

For Flow Diagram see **Appendix "A"** (Page 19)

B. Formal Grievance Procedure

If the Grievance is not resolved through informal discussions and mediation, then the Grievant may choose to pursue the Formal Grievance Procedure as described below. Prior to invoking the Formal Procedure, the Grievant must demonstrate that he or she has exhausted all Informal actions and is still not satisfied with the resolution of the issue.

Step One: Written Request for Grievance Hearing

If an employee is not able to resolve a complaint informally and wishes to continue to pursue the matter, or the employee has chosen not to discuss the complaint with the person(s) whose actions are the subject of the complaint, the employee may submit a completed Grievance Form to the Office of Human Resource.

The Form may be obtained from the Office of Human Resource. The Form should be submitted to the Grievance Coordinator in the Office of Human Resource normally within not less than **five** (5) and more than **ten** (10) work days from either the event which caused the complaint or an unsuccessful attempt of informal resolution.

For Grievance handling Form see **Appendix “B”** (Page 20)

Step Two: The Grievance Hearing Panel

Appointment of the Grievance Hearing Panel

The Grievance Coordinator 3rd level, upon receipt of a Written Request for a Grievance Hearing, will immediately notify the Head HR Department that a Grievance has been filed and will give him or her copy of the written Grievance and decides whether the request is grievable under this policy or not. If the issue is Grievable under this policy then the Grievance Coordinator will randomly select five members from the Disciplinary committee to serve as a prospective members of the Grievance Hearing Panel or a separate Panel. If the issue is not Grievable under this Policy then Grievant is asked to re-file the complaint through separate channel.

Grievance Hearing Panel may includes –

For Non Academic:

1. HOD
2. Registrar



3. Grievance Representative from HR or their Nominee
4. Supervisor of Respondent
5. Head HR

For Academic:

1. HOD
 2. Dean or Director
 3. Grievance Representative from HR
 4. Supervisor of Respondent
 5. Head HR
- } or their Nominee

This will normally be done within **five (5)** working days of receipt of the written Grievance.

The Grievance Coordinator presents the Grievant and Respondent with the list of the five individuals selected as grievance hearing panel or selected from the committee of Disciplinary policy. Both the Grievant and Respondent have the Right of Pre- Emptory Challenge.

Purpose of the Grievance Hearing Panel

The Grievance Hearing Panel objective is to hear the grievance and all related testimony and render a decision on the issue.

Step Three: Initial Meeting of the Grievance Hearing Panel

The Initial Meeting of the Grievance Hearing Panel is a closed meeting, for Panel members only. This meeting will normally take place within **five (5)** working days of appointment of the Panel members. During the meeting the members will elect, by a simple majority vote, a Chair of the Panel.

At least **three (3)** days prior to the Initial Meeting of the Panel the Grievance Coordinator will provide members of the Panel with a copy of the Grievant's written complaint, and any other documents that are part of the grievance. Members of the Grievance Hearing Panel may ask the Grievance Coordinator to obtain additional documents that it believes to have relevance to the meeting and ask to take the statements from the witness of the Grievant as well as Respondent.

The members then decide the date and time of separate meeting will be held by the Grievance Hearing Panel for the purpose of hearing the grievance.

Step Four: The Grievance Hearing

The scope of the Grievance Hearing is limited to the issue(s) identified in the Written Request for a Grievance Hearing.

The Chair of the Panel will schedule a date for the Grievance Hearing. The Grievance Hearing will generally be held normally within **ten (10)** working days from the date the Hearing Panel issues its Initial Meeting. The Chair of the Hearing Panel will notify the Grievance Coordinator of the date of the Hearing and the Grievance Coordinator will notify to all of the involved parties and witnesses. This notification will generally be made normally before **seven(7)** working days prior to the date of the Hearing.

The Grievant and Respondent will be asked to submit to the Grievance Coordinator a list of not more than five witnesses each to speak on their behalf during the Grievance Hearing Panel meeting. This list must be given to the Grievance Coordinator at least **five (5)** working days prior to the Hearing date. Generally, only witnesses whose names appear on this list will be permitted to participate in the Hearing and if possible the grievance coordinator may also take written statement from the witnesses duly signed by them. If extenuating circumstances exist the Grievance Hearing Panel can elect to hear testimony from additional witnesses, the Panel believes have pertinent information to provide. Members of the Grievance Hearing Panel may ask the Grievance Coordinator to obtain additional documents that it believes to have relevance to the Hearing. All documents and witness lists must be provided at least five working days prior to the date of Hearing.

Both the Grievant and Respondent may be accompanied at the hearing by a support person (e.g., student, parent, faculty member, staff member, staff student); however this person may not participate in the hearing or speak on his or her behalf. Potential witnesses, other than the Grievant and Respondent(s), must remain outside of the hearing room other than when they are required to testify.

Prior to the hearing, the Grievance Hearing Panel will establish an appropriate schedule for the proceedings. A typical schedule follows. Once the Hearing is begun, the Grievant will present an opening statement. The Panel may then question the Grievant. The Respondent will then present an opening statement. If there is more than one Respondent each may make an opening statement. After the opening statement of each Respondent, the Panel may question the Respondent(s).

After opening statements and questions have been completed, the Grievant may question each of the Grievant's witnesses. Following the Grievant's questioning, the Respondent may question each witness. The Panel may then question each witness.

After the Grievant has called all of the Grievant's witnesses, each Respondent will have a chance to call his or her witnesses and ask questions to each witness. The Grievant may then question the Respondent's witnesses. Following questioning by the Grievant, the Panel may question each witness.

The Panel may consider the written statement of a witness who cannot appear when the party seeking to use the statement has provided it to the Chair of the Panel at least five working days in advance of the Hearing date. A copy of this statement shall immediately be given to the other party. The other party will have the opportunity to respond in writing or verbally during the Grievance Hearing. If the reply is made in writing then the Chair of the Grievance Hearing Panel will distribute a copy of the reply to the opposing party and to all members of the Grievance Hearing Panel.

After each side has called all of its witnesses, the Grievant and Respondent(s) may each make a closing statement. The Chair will then briefly review the issue(s) for determination, and then all parties except Panel members will be excused.

Members of the Panel will then meet, in private, to evaluate information presented. If during its deliberations the panel determines that additional information and/or witnesses should be considered it may reconvene the hearing at an appropriate time to do so. The Grievant has the burden of proving by a preponderance of the evidence that he or she has been wronged. The Hearing Panel's determination will be based upon a vote of a simple majority of the Panel.

Report of the Hearing Panel

The Chair of the Grievance Hearing Panel or designee shall prepare a written report summarizing the Panel's findings. The report shall contain the Panel's conclusion on each issue identified in the written complaint as well as the Panel's recommendations for corrective action, if any. The report shall be signed by members of the Panel who agree with it. Members of the Panel who disagree with the majority's findings, conclusions or recommendations may prepare, as an addendum to the report, any contrary opinions and recommendations. This addendum to the report will be signed by members of the Panel who agree with it. The report will generally be given to the appropriate Grievance Coordinator normally within five working days of the conclusion of the hearing.

Appeal of the Grievance Hearing Panel Decision –

If either of the party Grievant or Respondent is not satisfied with the decision may then appeal to the authority as decided by the Executive Council

of IEC University. This appeal is a paper based appeal shall be granted on one or more of the following conditions:

- 1) New evidence has come to light.
- 2) Maladministration of the process.
- 3) Severity of the punishments.

The appeal must be made within five working days of the date of the decision of the Grievance Hearing Panel. The decision of the **Authority as decided by Executive Council of IEC University is final** for both Academic and Non-Academic Employees.

Decision of the Board of Management of IEC University -

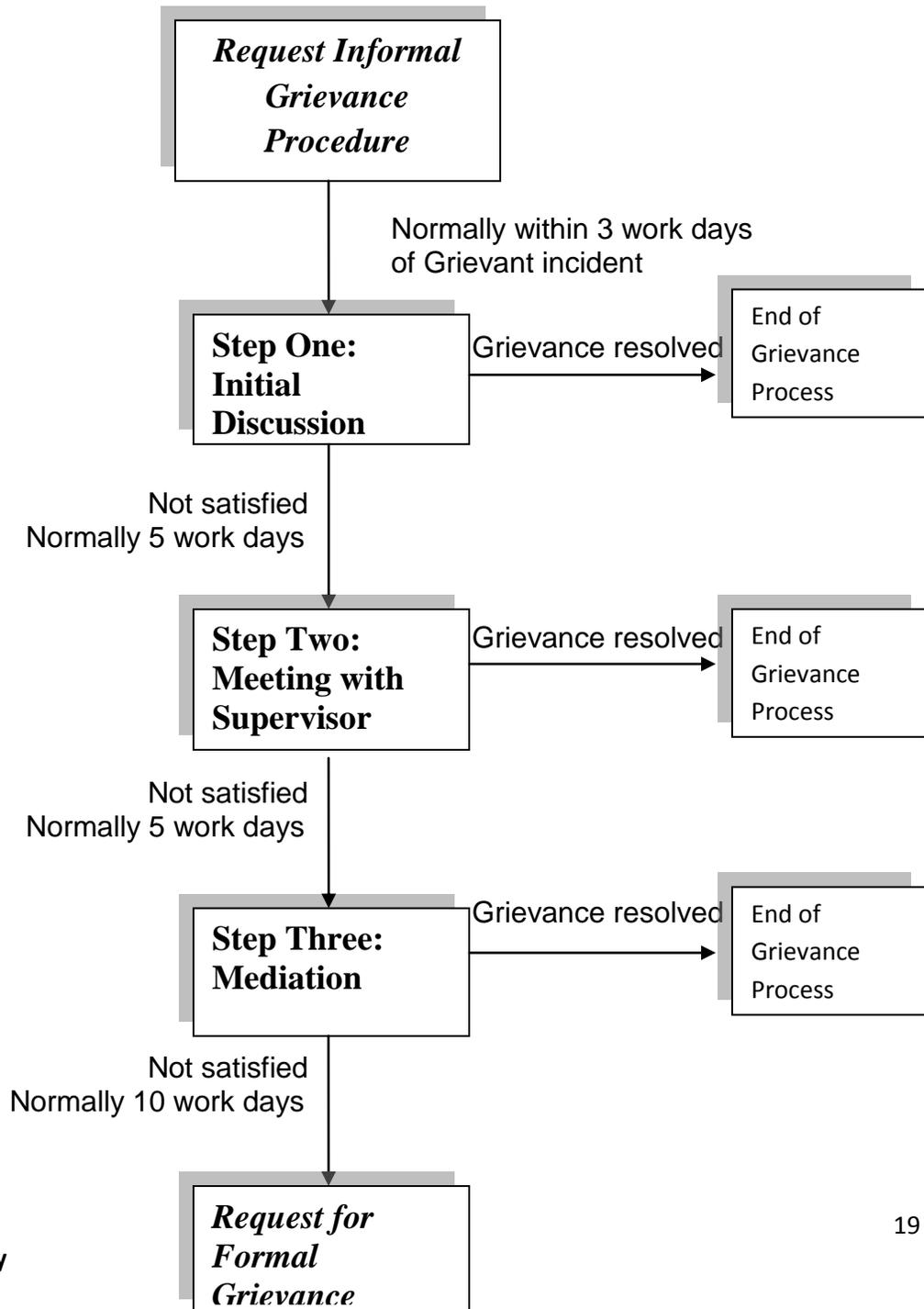
The Executive Council of IEC University is authorized to exercise such supervision and direction as will promote the efficient and effective operation of the University. The authority will use the report of the Grievance Hearing Panel to reach a decision that best promotes these goals. The authority decision will be communicated, in writing, to all involved parties.

The Authority normally will furnish a decision to the parties within **five** working days after receiving the report of the Grievance Hearing Panel. If the review of a case requires longer than five days, they will notify the parties of the delay. The Authority decision will be submitted to the Grievance Coordinator, who will notify to the Grievant, Respondent(s), members of the Hearing Panel and appropriate members of management of the decision. The decision of the authority as decided by the Executive Counsel of IEC University is final decision.

For Flow Diagram of Formal process of Grievance Hearing Policy and Procedure see **Appendix”C”** (page 22)

Appendix "A"

FORMAL GRIEVANCE HANDLING PROCEDURES



Appendix “B”

GRIEVANCE FORM

All formal complaints must be in writing. Please contact the Human Resource Department (Tel: Extn. 646) if you require assistance with this form.

Date: _____

Name of Employee: _____

Employee ID No. _____

Department : _____

Please provide details of the person/s with who you are in dispute.

Name of Employee(s): _____

Employee ID No. _____

Department: _____

Please provide a statement giving full details of your dispute/grievance.

What to include in your statement:

- The name/s and title of person/s involved (include the name of any witnesses).
- Dates and times of events.
- The name of any person or organization you have approached in relation to your dispute/grievance.
- The effect the dispute/grievance has had on you.
- Copies of any documents relating to your dispute/grievance (e.g. witness statements).

State briefly your efforts to resolve this grievance. _____

Describe the remedy or solution you would like. _____

Employee's Signature: _____

Date: _____

To be filled by HR Department for future Records:

Grievance Team Members: _____

Actions taken:

Result of Action taken _____

Time or days taken in solving grievance: _____

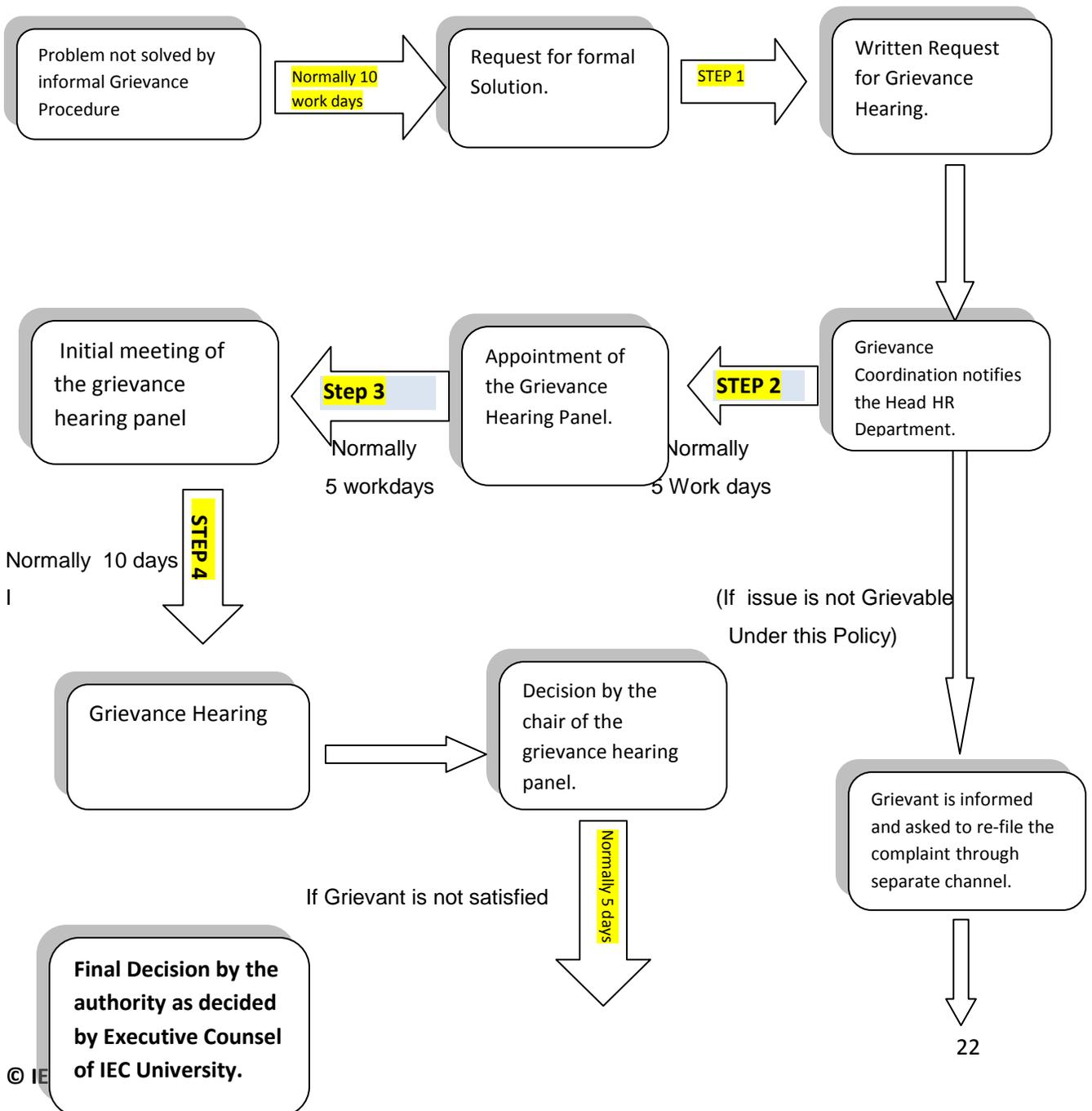
Grievance Team Members

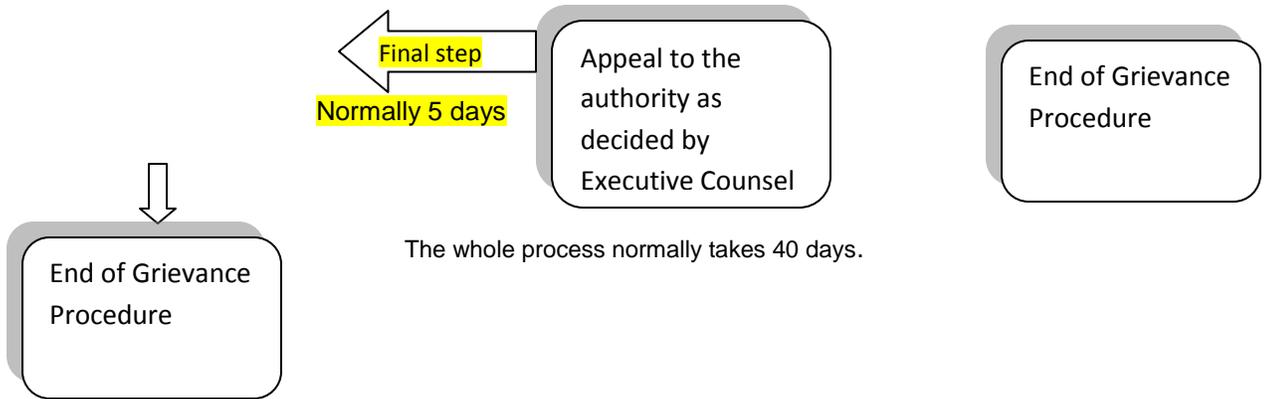
Date: _____

Signature/s _____

Appendix “C”

FORMAL GRIEVANCE HEARING PROCEDURE





Prepared by:

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Management Trainee (HR)