

The Open University of Sri Lanka Grievance Redress Policy

1. SCOPE OF THE POLICY

- 1.1 This policy is applicable to all employees of the OUSL, whether permanent, temporary or on contract.
- 1.2 This policy shall be read in conjunction with other related policy documents including the Code for the Prevention and Redress of Sexual Harassment

2. DEFINITION OF GRIEVANCE

- 2.1 For the purposes of this policy a grievance is any issue, complaint, problem or concern of an employee regarding his/her working conditions, employment conditions, action by a person of authority and/or another staff member or co-worker relationships.

3. GUIDING PRINCIPLES

- 3.1 Employees should always try to resolve problems in the workplace with the least formality and at the earliest opportunity.
- 3.2 As far as possible, problems should be addressed before they escalate into a grievance.
- 3.3 All grievances should at the first attempt be addressed with the Head, Dean or immediate Supervisor through informal or formal discussions.
- 3.4 Those holding positions of authority should take all possible steps to resolve problems faced by staff members, and/or conflicts among staff members, at the level of Departments, Faculties and Divisions.
- 3.5 Where a grievance cannot be resolved at the departmental, faculty or divisional levels, an employee shall be entitled to file a complaint to a Grievance Redress Committee as set out below.

4. GRIEVANCE REDRESS COMMITTEE

- 4.1. The Grievance Redress Committee for a reported grievance shall be composed of
 - (a) Three members of the Council nominated from among the appointed members, of at least one male and one female,

- (b) Two members from among the permanent academic staff, one male and one female appointed by the Senate,
 - (c) Two members from among the administrative staff one male and one female to be appointed by the Registrar or Vice-Chancellor (if the grievance is against the Registrar).
 - (d) A suitable Secretary to be appointed on case by case basis
- 4.2. The members appointed under categories 5.1 (b) and (c) shall have served in the university system for a minimum of 10 years.
- 4.3. Any person against who a grievance has been reported shall not serve on the Grievance Redress Committee.
- 4.4. One of the three members nominated by the Council shall chair the Grievance Redress Committee.
- 4.5. A member may resign his/her office at any time by giving notice in writing to the Vice Chancellor.
- 4.6. A member of the committee may be removed from the committee in case of breach of confidentiality based on the decision of the Grievance Redress Committee
- 4.7. If the complaint is against one of the members of the Grievance Redress Committee a suitable replacement shall be nominated by the appropriate appointing authority.

5. SUBMITTING A COMPLAINT

- 5.1. Any employee or group of employees who has/have a grievance, which cannot or has not been resolved by following the process set out in 3.2 – 3.5, may submit a complaint to the Chairman of the Grievance Redress Committee or his or her designated nominee.
- 5.2. Such complaint shall be filed within thirty (30) calendar days after the act or the condition giving rise to the grievance. However, if an informal effort was underway to resolve the issue and it failed, then the complaint may be filed within thirty (30) days after the failure of the informal effort.
- 5.3. The complaint shall be in writing and signed by the complainant.
- 5.4. On receipt of the complaint the Chairperson shall summon a meeting of the Grievance Redress Committee as expeditiously as possible and in any case within seven (07) working days. The quorum for a meeting shall be five (5) members.

- 5.5. The Grievance Redress Committee shall review the complaint and nominate three members, amongst the Grievance Redress Committee to constitute the Panel that shall handle the complaint.
- 5.6. The Chairperson shall forthwith inform the Vice-Chancellor of the complaint unless otherwise the complaint is against the Vice-Chancellor

6. PROCEDURE TO ADDRESS COMPLAINTS

- 6.1. The panel shall forward a copy of the complaint to the person/s identified as giving rise to the complaint or to the person/s who are in a position to address it.
- 6.2. The panel shall, in the first instance, attempt to resolve the complaint among all parties, including agreeing on a remedy where necessary, and measures to prevent its recurrence.
- 6.3. If all parties agree to a resolution, the terms of such resolution shall be recorded and signed by the parties, and the three members of the Committee. A copy of such settlement shall be submitted to the Grievance Redress Committee as well as the parties involved. The Chairperson of the Grievance Redress Committee shall forward it the Vice Chancellor who shall endorse the document and declare the matter closed.
- 6.4. Where the complaint cannot be resolved, or in the view of the panel raises issues of discipline, or is of a very serious nature, the members of the Panel shall so report back to the Committee which shall institute a formal inquiry as set out below.

7. FORMAL INQUIRY

- 7.1. The Committee shall appoint a factfinding committee composed of three (03) persons to inquire into the complaint.
- 7.2. Such factfinding committee shall complete its investigations and forward its report to the Grievance Redress Committee within fifteen (15) working days of the date of appointment. Such report shall indicate whether the issues raised in the complaint are of such serious nature as to warrant disciplinary or any other action.
- 7.3. The Committee shall forward the report of the factfinding committee to the Vice Chancellor and in consultation with the Vice Chancellor shall determine the further course of action to be taken to resolve the issue.
- 7.4. Where the Committee in consultation with the Vice Chancellor has decided that a disciplinary inquiry is required the Vice Chancellor shall, within seven (07) working days of such decision,

appoint a formal inquiry committee to inquire into the matter. The formal inquiry committee shall consist of three persons who shall be from outside the OUSL.

- 7.5. The inquiry shall be conducted in accordance with the regulations for disciplinary inquiries against staff and shall be completed as expeditiously as possible.
- 7.6. The report of the formal inquiry committee shall be submitted to the Vice Chancellor who shall forward a copy to the Chairperson of the Grievance Redress Committee. Such report shall be tabled at the next Council meeting for further action, provided that the Council members who are members of the Grievance Redress Committee shall not participate in any discussion or decision on the report.

8. RECORDS

- 8.1. The records of complaints shall be kept in the custody of the Establishments Division and shall be destroyed after a period of ten years from the date of the complaint being filed.
- 8.2. The records shall comprise of the following documents:
 - i. The written statement of grievance
 - ii. A record of all procedures followed, and action taken to resolve the grievance including the reasons for so doing
 - iii. A written statement of the decisions taken including the decision of the Council where relevant.

9. NON-COERCION AND NON- RETALIATION

- 9.1. No employee, including those in positions of authority, shall retaliate against another employee in any way whatsoever because the latter has filed a grievance complaint and such retaliation shall be deemed to be an offence.
- 9.2. No employee shall coerce another employee to refrain from filing a complaint or interfere with the process of filing a complaint. And such coercion shall be deemed to be an offence.
- 9.3. Those in positions of authority shall ensure that a complainant is not subject to coercion or retaliation arising from the filing of a complaint.