UNIVERSITY OF PROFESSIONAL STUDIES, ACCRA

GRIEVANCE POLICY

1.0 INTRODUCTION

The University of Professional Studies (UPS) strives to maintain for its staff and students an environment which is conducive to the life and work as well as reciprocated respect for the rights, duties and emotional peculiarities of each individual. Grievances are bound to occur owing to misunderstanding, miscommunication, suspicion of unfairness and little problems which have been taken for granted. Resolving these problems informally may not always be easy; therefore, easily accessible and fair grievance resolution procedures have been developed to guide conflict resolutions and management in the University.

1.1 PURPOSE OF POLICY

This policy deals with the steps used in managing staff and students grievances. It shows the process to be followed when a grievance is lodged, and also provide guidelines on the approach to be used. This is to ensure an appropriate course of action and to facilitate a fair and confidential resolution.

1.2 SCOPE

This policy applies to staff and students of the University. It deals with complaints that emerge from a student's present or past interaction with the University.

1.3 POLICY STATEMENT

The University is committed to serving students and staff with excellent education. Nevertheless, where contrary experiences at the University give causes, students are free to register their concerns or grievances.

The University is fully aware of the vital role of proper communication in the resolution of grievances of students. It therefore deems it necessary to remain open (even to criticism) and fair. It hopes to continuously improve itself by doing so.

In addition, the University ensures transparent, fair and prompt procedures for addressing grievances and appeals carried out based on the tenets of natural justice to ensure equal and fair treatment of all parties.

1.4 APPLICABILITY

The policy applies to all students, faculty and staff members of the University, and to issues involving other employees, students or third parties who have a direct relationship with the University such as probationary, temporary, hourly or per diem employees who work on an "as needed basis". It is also applicable to all grievances filed from the date of this policy onwards.

1.5 DEFINITION OF TERMS

Grievance: A grievance is an allegation made by someone, which is based on specific facts that there has been a misunderstanding and misinterpretation of issues. The rationale behind the process is to settle and resolve the issue.

Staff: All full-time employees including probationary, temporary, hourly employees, part-time workers, student workers, faculty members are all considered as staff for the purposes of this policy.

Student: Anyone who has been offered admission (morning, evening or weekend session), and upon acceptance has deposited money and is in the process of enrolling, or registering. It also includes those who have paid tuition fees at the time when the alleged grievance occurred. Former students may lodge complaints about issues related to their previous involvement with the University.

Respondent: He is the person against whom a grievance has been lodged.

Grievant: Anyone who lodges a grievance complaint. A Grievant can also be referred to as a Complainant.

Complainant: Same as a Grievant

Witness: Someone who observed or heard about the incidence when it happened. Such a person will not be forced to testify, intimidated or retaliated against for their report or failure to give their version of the incidence.

Mediator: He/she is a person who tries to get agreement between people or group of people who disagree with each other.

Grievance Coordinator: He is the individual to whom a formal written grievance must be submitted. The Grievance Coordinator for students is the Dean of Students, and that of the staff is the Chairman of the Grievance Committee. The Grievance Coordinator for graduates is the Dean of Graduate Studies. Heads of Departments, Directors, Lectures, Supervisors and other Senior Members may also serve as Grievance Coordinators when the need arises.

Gender Committee: It is a committee set up by the University to advice Management on gender issues.

Grievance Committee: This is an independent Committee which shall receive complaints from aggrieved members of staff. The Committee shall process the complaints it receives and recommend solution to the University. In the process of such resolution of complaints, the committee shall ensure that a complainant is not victimized.

1.6 IMPLEMENTATION AND COMPLIANCE AGENTS

Management

Management will have the overall responsibility for ensuring that the University complies with the Grievance Policy. It includes ensuring that:

The policy on grievance procedures would not be the only document that indicates that the University seeks to provide an atmosphere of work and study in which all individuals are treated with respect and dignity. This policy document should be referenced and put into action in other policy documents such as the Statutes, Student Handbooks, Conditions of Service, Code of Conduct and other regulations.

The Grievance Committee

The Grievance Committee has the ultimate responsibility of ensuring that grievance issues are resolved amicably and on time in the University without biases or prejudices. The Gender Committee shall liaise with the Grievance Committee to facilitate and support the implementation of the Grievance Policy.

Members of the Grievance Committee shall serve for a term of three years, after which they can be nominated to serve for a further two year term.

All members of the Committee shall have a high credibility and technical competency to handle grievance procedures.

1.7 COMPOSITION OF THE GRIEVANCE COMMITTEE

The Grievance Committee members shall be appointed by the Rector and composed each year of the following: (Please refer to the UPS Conditions of Service for Senior Members, Page 20)

- One (1) elected representative from Management
- One (1) elected representative from Academic Staff

- One (1) elected representative from Administrative Staff
- A Secretary to be appointed by the Registrar

1.7.1 **Functions of the Grievance Committee**

The committee shall receive complaints from aggrieved members, process the complaints and recommend solutions as well as resolving issues as they occur. The committee shall also perform the following functions:

Policy Dissemination

With the help of the Gender Committee the Grievance Committee shall plan and manage the grievance procedures in the University. This will also include wide dissemination of the policy to the University's community; training of other University's personnel who may be responsible for responding to informal reports of the grievance procedures.

Records Keeping

The committee shall maintain records of reports of grievances and actions taken in response to reports, including records of investigations, resolutions and disciplinary actions as appropriate.

Preparation of Annual Report

The Committee shall prepare and submit an annual report to the Registrar on all grievance incidences.

Investigation

It is the responsibility of the committee to deal with specific complaints of grievance issues and act as an investigating body in an attempt to resolve an issue.

Sanctions

The committee shall spell out appropriate sanctions or disciplinary measures to be meted out to individuals.

1.8 **THE ROLE OF THE GRIEVANCE COORDINATOR**

The Grievance Coordinator, in his/her capacity as the Chair of the Grievance Committee will perform the following functions under complaints mechanism:

- He will help with the fair resolution of problems raised by staff and students.
- Assist parties in seeking a satisfactory resolution, and must not determine who is right or wrong.
- He will remain neutral throughout the proceedings and will act as a facilitator
- He is expected to resolve issues in a flexible and responsive manner.
- In some cases, he may be consulted during the informal process of trying to resolve a grievance.

1.9 GROUNDS FOR COMPLAINTS

A staff /student can complain when:

1. he/she is affected by a decision that was made without sufficient consideration of facts, evidence or circumstances
2. a penalty applied to the student is unduly harsh
3. a students' right is violated
4. a policy is wrongly applied
5. he/she is being unequally treated

2.0 NATURE OF COMPLAINTS

2.0.1 Individual and Group Complaints

When two or more students are affected by a decision, they should make a joint complaint, and not individually. In this case, the matter will be considered as one issue. An individual also has the right to complain about a situation that affects him/her. Complaints should be made as early as possible.

2.0.2 Complaints against a Member of the Committee

If a complaint is lodged against a member of the committee, he or she shall not be part of any of the processes relating to the investigation of complaints.

2.1 PRINCIPLES GUIDING THE GRIEVANCE POLICY

The grievance resolution guidelines are based on the following principles:

- Staff and students complaints about matters or issues will be acknowledged and considered promptly and fairly
- All parties are expected to conduct themselves honestly and courteously
- Errors once identified will be appropriately acknowledged
- The procedures will be in accordance with the principles of justice and fairness
- That issues will initially be resolved through the informal resolution procedure
- All matters will be responded to within a week
- Students will not suffer any disadvantage as a results of raising a grievance
- There will be transparency in all aspects of the process
- Appropriate confidentiality will be maintained at all times during the process
- All parties concerned of a grievance issue have the right to be heard, treated without bias, informed of any allegation made which relates to them, and be provided with an opportunity to respond to any allegation pertaining to them.

2.2 LESS SERIOUS AND SERIOUS GRIEVANCES

For the purpose of managing grievances, complaints are differentiated by their degree of seriousness.

2.2.1 Less Serious Grievances

Matters which are considered less serious are those which are not unlawful, but such issues should be addressed and resolved to avoid repetition or escalation. Such grievances should be handled as close as possible to the source, and as early as possible.

If a student has a problem with a staff, the matter should be directed first of all to the Head of Department.

Issues between staff and staff should be handled by themselves first. If staff members are not comfortable dealing with the complaints themselves, then it can usually be referred to their immediate Head, and then to the next level of Management.

If the grievance relates to misconduct by a staff member, the Head of Department or Coordinator of that particular staff should pursue the matter as a misconduct case.

2.2.2 Serious Grievances

These are grievance matters that are considered to be very serious or unlawful. Such issues may include harassments, assaults and other unethical behaviours that are contrary to the University's Statutes and Code of Conducts. Repetition of a less serious misconduct may lead to the matter being dealt with as a serious grievance.

2.3 APPEAL

One can make an appeal for a redress when an irregularity occurred during the process, and also when there is new information that was not reasonably provided at the onset, but it is now available. When a decision is manifestly excessive or unfair or unsatisfactory, an appeal can be made.

2.4 WITHDRAWAL OF GRIEVANCES

A staff or student may withdraw a grievance at any stage of the resolution process, whereupon the grievance will be deemed resolved. In such a case the complainant shall state in writing the reasons for withdrawing the complaint and append his/her signature to the statement.

The committee may go ahead to investigate a complaint even where a respondent refuses to respond to the allegations or participate in the investigation process.

2.5 CONFIDENTIALITY

As much as possible, confidentiality will be maintained by all parties. Members of the grievance committee shall not discuss the issue outside of the meetings and shall not also accept side conversations with people who are not part of the resolution process.

2.6 NON-RETALIATION

The University will not tolerate retaliation against the grievant, witnesses or against other individuals involved in the dispute resolution. The University will take all necessary steps to ensure that no person intimidates, threatens, coerces or discriminates against any individual for the purpose of interfering with the filing of a complaint, furnishing information or assisting or participating in any manner in an investigation or any other activity related to the grievance resolution procedure. Any attempt to retaliate is prohibited by this policy.

The punishment for retaliation varies from formal warning, suspension to termination of admission or appointment.

2.7 PROOF

Any member of the University who files a grievance against a respondent should be prepared to give enough proof by evidence that he/she has been wronged. Any grievant who fails to fulfill this requirement does so at his/her own disadvantage because the finding would then be ruled in favour of the respondent.

2.8 PROCEDURES FOR GRIEVANCE RESOLUTION

These are the procedures by which staff and student's grievances are dealt with or resolved. They also serve as a system of communication and also provide an outlet for complaints. Whenever possible, grievances should be dealt with as rapidly as possible and at the lowest possible level within the University. It is encouraged that grievance issues will be resolved informally in a discussion between the parties involved, before going through the formal procedure.

2.8.1 INFORMAL PROCEDURE

Open Discussion

Before writing to complain, an aggrieved person, that is the grievant must first of all try an amicable solution by meeting with his/her offender, the respondent. This must be done within seven (7) working days, beginning from the day of the offence. Prior to this informal meeting, the grievant should make his respondent fully aware of the meeting and its purpose. He may do this personally or through a Grievance Coordinator or a confidant who is trustworthy. The respondent must treat this meeting as urgent.

If this effort does not solve the problem, the aggrieved person may now commit his/her grievance to writing: that is, proceed to the Formal Procedure.

2.8.2 FORMAL PROCEDURE

Step one

An aggrieved staff member shall request a meeting with Registrar. The meeting shall be held within three (3) working days of the request having been made.

Step two

If the grievance is not resolved through the procedure as outlined in step 1, the officer shall present his grievance in writing to the Vice-Chancellor, together with the pertinent information identifying the Article of the Conditions of Service allegedly violated. The Vice-Chancellor shall analyze it and refer the matter to the Grievance Committee. Such a meeting shall normally be held within five (5) working days after the receipt of the written grievance.

In the event of a delay, the officer shall be advised when an answer can be expected.

Step three

If the grievance is still unresolved, the officer shall notify the UPS Council in writing through the Vice-Chancellor. The meeting shall be arranged promptly within ten (10) working days upon the receipt of the grievance.

Step four

If after such meeting the matter still remains unresolved, either party reserves the right to refer the matter to the National Council for Tertiary Education (NCTE)

Step five

Where the grievance is against the Vice-Chancellor, the aggrieved party shall petition the Council through his/her representative on the Council.

2.9 INVESTIGATION PROCESS

Investigation includes interviewing the witnesses as well as review and analysis of data and documents. This may take up to 10 working days from the time of receipt of the statement from the respondent.

The Chairman of the Grievance Committee, assisted by the Gender Coordinator present written findings of facts within 10 working days of the conclusion of the investigation to the complainant, the respondent and Management. Both the complainant and the respondent have the right to submit rebuttals to the findings of fact within 5 working days.

3.0 RESOLUTION OF COMPLAINTS

The Grievance Committee prepares a written report of each stage of the investigation. This includes pertinent information related to the specific complaint, in addition to findings of facts. This report will make a further recommendation to Management for settling the complaint.

Copies of the findings will be sent to the complainant and the respondent, which will be issued within 5 working days of receipt of all issues discussed.

Management will consider the findings and recommendations from the committee and respond accordingly within 10 working days.

3.1 Conflict of Interest

Where it can be demonstrated that there is a conflict of interest or the potential for a perceived conflict of interest, a grievance investigator should refer the matter immediately to an alternative investigator or the next level of Management. A complainant or respondent may request for an alternate investigator.

3.2 RECORD OF EVENTS

Appropriate records will be kept, in a confidential manner as well as notes of participants involved in the informal discussions and of agreed outcomes. In instances where mediation occurred, the Mediator should also keep records of all events, and should be maintained on the personal files of the parties involved.

3.3 ROLES AND RESPONSIBILITIES

The Vice Chancellor

The Rector has the ultimate responsibility for ensuring that the University complies with the Grievance Policy. He is also responsible for giving a final verdict during a resolution process.

The Registrar

The Registrar is responsible for ensuring that the University's Grievance Policy is implemented, and that appropriate action is taken against individuals who do not abide by the precepts of the policy.

Deans, Lecturers, Coordinators and Heads of Departments are responsible for:

- Resolving grievances from students that fall into their area of responsibility and decision making authority
- Referring grievances to the Grievance Committee if they have insufficient authority to implement a resolution
- Assisting complainants to the most appropriate resolution mechanism and referring the grievance to that person
- Keeping records and documents created in the course of investigating the grievance at the level at which they were handled, for example at the Faculty, Department or Unit level.

The Grievance Committee

The Grievance Committee shall liaise with the Gender Units in resolving gender related issues. The Committee shall also liaise with the Human Resource Officer in the discharge of its duties in dealing with issues related to Human Resources.

Staff

Staff has to create and maintain an environment where its diverse population can live and work in an atmosphere of acceptance, civility, and mutual respect for rights, duties and sensibilities of each individual.

All Students

Students have a role to play in making the University an environment that is free from any form of misconduct. All students should work towards the promotion of peace and direct complaints to the most appropriate resolution mechanism for settlement. Students must also cooperate with the University in providing a safe, harmonious, supportive and productive environment that is free from any form of unfair treatment such as conflicts.

3.4 CONCLUSION

The University buttresses the good attributes of the grievance procedures. These procedures have elementary features and serves as basic instruments which ensure the free flow and acceleration of grievance resolution thereby reflecting the University's quest for fairness. To ensure unimpeded access to information needed for the resolution of internal grievances, the University of Professional Studies will give adequate publicity to this policy and procedures.

3.5 POLICY REVIEW

This policy will be subjected to review at the end of every two years. Comments, suggestions and contributions should be forwarded to the Gender Unit, University of Professional Studies, Accra.