

*This ToR has been approved and confirmed by the Council of South Eastern University of Sri Lanka at its 236<sup>th</sup> meeting held 29.08.2020. Further, the following Council Members have been nominated to serve as Committee Members (Section 3.2).*

1. Prof. Colin N. Peris
  2. Mr. I.M. Haniffa
  3. Mr. M.C.M. Nawas
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**Terms of Reference (ToR)  
Grievance Hearing Committee  
South Eastern University of Sri Lanka**

**1. Introduction**

Grievance of an employee is a quality issue of an institution. It is significantly important for an institution to have a committee to hear and redress grievances of employees of the institution. Grievance can be defined as a complaint by a permanent employee concerning a decision and/or commission or omission of act/s that is perceived to adversely affect the grievant in his or her professional capacity. Generally, the grievance will arise out of a specific issue, but occasionally the cause for concern may be an ongoing series of issues cumulatively affect the basis of grievance.

This Terms of Reference (ToR) lays out the scope, composition, powers, duties and functions of the Grievance Hearing Committee (herein after referred as 'the Committee') and complaint procedures to be followed in terms of grievances of the permanent employees of the South Eastern University of Sri Lanka (herein after referred as 'SEUSL').

This ToR shall come into operation on such date as the Council of the SEUSL may approve and confirm it.

**2. Scope**

- 2.1. The Committee shall consider only individual grievances of specific nature of permanent employees of the SEUSL and individually by the aggrieved employee concerned.
- 2.2. The Committee shall not consider any grievance of general applicability or of collective nature of raised collectively by more than one employee.
- 2.3. Before submitting a complaint to the Committee, all available administrative remedies within the SEUSL should be exhausted. Thus, a permanent employee, who is perceived adversely affected by a decision and/or commission or omission of act/s, should first try to seek a solution or redress by using all available remedies within the administrative structure of the SEUSL for which a permanent employee is eligible as defined in the relevant applicable provisions.
- 2.4. The Committee shall not entertain a complaint which is submitted to the Committee bypassing a mechanism which is in view of the Committee should have been exhausted within SEUSL.

- 2.5. The Committee shall not entertain a complaint which is in view of the Committee can be handled by the administration of the SEUSL.

*Explanations:*

1. *No complaint shall be entertained by the Committee unless a complaint related to sexual and gender based violence is made and tried by the Center for Gender Equity and Equality of SEUSL within a reasonable time period.*
2. *No complaint shall be entertained by the Committee when it is submitted bypassing the options of finding remedies at the level of the Head of the Department, Bursar, Librarian, Registrar, Dean of the Faculty, and/or Vice Chancellor within SEUSL.*

### **3. Composition**

- 3.1. The Committee functions as an independent body comprised of persons who are not current employees of the SEUSL.
- 3.2. Committee shall consist of Three (03) Members appointed by the Governing Authority from among its members who have been appointed by the Commission and shall preferably consist of the following persons:-
  - i. One member with academic experience in University system
  - ii. One member with experience in public service/administration
  - iii. One member with legal expertise
- 3.3. The quorum of the Committee for a hearing of complaint shall be two members.
- 3.4. The Committee shall elect any member present to preside at such hearing.
- 3.5. Senior Assistant Registrar / Deputy Registrar (Legal and Documentation) will function as the Convener of the Committee.

### **4. Powers, Duties and Functions**

The Grievance Hearing Committee is a sub-committee of the Council of the SEUSL and subject to the provisions of the Universities Act, No. 16 of 1978 as amended, the Grievance Hearing Committee shall exercise the powers and perform and discharge the duties and functions conferred or imposed on, or assigned to, the Committee under the direction and supervision of the Council.

- 4.1. to call meetings of the Committee;
- 4.2. to receive and accept any complaints within the scope of the Committee;
- 4.3. to dismiss grievances upon a finding of no probable cause or prima facie case;
- 4.4. to refer a complaint for administrative action;
- 4.5. to decide that a hearing be initiated;
- 4.6. to access to all files confidential or otherwise relevant to the individual's grievance;
- 4.7. to call witnesses and/or documents to be produced before the Committee;
- 4.8. to record statements and to take copies of a document;
- 4.9. to investigate and/or inquire as deemed it necessary;
- 4.10. to forward the findings and recommendations to the Council of the University;

However, a complaint to the Committee shall not restrict the right of the employee to file complaint / appeal to any statutory forum.

## **5. Complaint Procedures**

- 5.1. Every grievance to the Committee shall be made in writing within one month of the alleged grievance if such employee is within the island, or within three months if the person is out of the island.
- 5.2. Grievance may include employment, working conditions and any other alleged injustice done to an employee while discharging his/her duties at the SEUSL.
- 5.3. A complaint should be clear and simple statement(s) of the commission or omission of actions in unambiguous language supported with necessary documentary evidences. The statement may, where necessary, include a list of witnesses and documents to support the complaint.
- 5.4. A complaint should be proved with documentary evidences (in any forms) that the employee exhausted all available means and methods of redress of the SEUSL. In case of the employee is deprived of response/s within a reasonable timeframe, the complaint should be supported with documentary evidences to that effect.
- 5.5. The written grievances should be submitted (not necessarily through the channel of communication) in sealed double envelopes where the inner envelope addressed to the Chairperson, Grievance Hearing Committee, SEUSL and outer envelope addressed to the Convener, Grievance Hearing Committee, SEUSL.
- 5.6. A duly completed form attached herewith as Annexure I should be enclosed in the outer envelope.
- 5.7. Any complaint which is enclosed with incomplete and/or faulty information and/or failed to enclose the above form (given in Annexure I) will not be taken for screening.
- 5.8. The Convener of the Committee will assist the Committee to screen the complaints and in clarifying available provisions related to the issues of the grievances.
- 5.9. The Committee will review the complaints to determine whether the grievance submitted by the employee of the SEUSL has a matter that is within the scope of the Committee and if so, to hear the grievance.
- 5.10. The Committee is expected to attend the initial meeting for screening complaints and to decide which complaints come within the scope of the Committee.
- 5.11. The Committee may return / reject any complaints at any stage which are deemed not gone through particular administrative remedies available within the SEUSL.
- 5.12. The Committee shall schedule hearing dates to discuss the cases that have been received.
- 5.13. The Committee shall at all times maintain a neutral status vis-à-vis the parties to the grievance and must be fair impartial decision makers with high level of integrity and trust.

- 5.14. The Committee shall listen and review all testimony and documentary evidence presented during the hearing to make a just and equitable decision based on the evidence presented by each party.
- 5.15. The Committee shall hear grievances without prejudice thus not presume that either party to the grievance is right or wrong.
- 5.16. The Committee shall weigh the credibility of the evidence, make specific findings of fact and determine whether the grievant has established the grievance.
- 5.17. The Committee is responsible for making written report of findings of facts and recommendations with regard to the grievance and the Convener shall assist the Committee in finalizing the written report of the Committee's decision.
- 5.18. The Committee must maintain confidential records for each case.
- 5.19. It is important to ensure that the process that is followed by the Committee is fundamentally fair to all parties in line with natural justice and complies with the university procedures and written laws.
- 5.20. The Committee will meet whenever the Committee deems necessary.
- 5.21. In case of any difficulties in deciding a case, the Committee shall have discussion with the Council before a decision is taken.
- 5.22. The findings and recommendation of the Committee shall be tabled at the Council for its decision.

## **6. Payments for Committee Meetings**

- 6.1. Payments will be made for Grievance Hearing Meetings in accordance with the UGC's Circular issued time to time with regard to the payment for conducting disciplinary inquiries.