



The American University of Kurdistan Policy of Employee Grievance

Policy Number: HR020
Effective Date: June 2, 2024

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I. INTRODUCTION

- a. **Authority:** The Board of Trustees (herein referred to as “Board”) at The American University of Kurdistan (herein referred to as “AUK” or “University”) is authorized to establish rules and regulations to govern and operate the University and its programs.
- b. **Purpose:** The purpose of this policy is to provide a framework for the resolution of grievances in a prompt, fair, and consistent manner.
- c. **Scope:** This policy applies to all AUK Employees.

II. ROLES AND RESPONSIBILITIES

- a. **Responsible Executive:** Vice President for Administration and Finance (VPAF)
- b. **Responsible Administrator:** Director of HR
- c. **Responsible Office:** Office of HR
- d. **Policy Contact:** Director of HR

III. POLICY STATEMENT

Every complainant has the right to raise a grievance affecting the complainant as an individual, or affecting the complainant's personal dealings or relationships with other complainants of the University. The policy is based on established international norms and best practice for the resolution of grievances, including American best practices.

The University is committed to facilitating professional working relationships between all complainants. This is best achieved through good communication and teamwork. However, grievances may nevertheless arise from time to time about a range of issues. These may include, for instance, disagreements about working conditions or rules, unfair treatment at work, or disagreements between colleagues.

The following matters will not be the subject of a grievance under this policy:

- The policy does not apply to grievances that arise as a result of or during the course of implementation of the Capability Process.
- The policy does not apply to any complainant grievance against the conduct of a student. These are to be dealt with in accordance with the procedures of the University's Office of Student Affairs.
- The policy does not apply to grievances by a student against an employee of AUK. These should be initially reported to the Office of Student Affairs, and are to be dealt with in accordance with the procedures of the Student Code of Conduct Policy.
- Any instance of "whistleblowing", as covered by the University policy on this issue.
- If a complainant or the subject of any complaint for any reason ceases to be a complainant of the University, then the Grievance Policy no longer applies. Any existing Informal or Formal Procedure will be discontinued.

IV. POLICY PRINCIPLES

Every complainant has the right to raise a grievance affecting the complainant as an individual, or affecting the complainant's personal dealings or relationships with other complainants of the University.

Principles:

- It is recognized that the best and most expeditious way to resolve grievances will normally be through the Informal Process.
- The University is committed to facilitating the speedy resolution of employee grievances.
- The University is committed to securing a fair settlement of employee grievances.
- The confidentiality of an employee will be respected during the grievance process as far as is possible, but subject to the need to investigate.
- Employees who report a grievance in good faith, but whose grievance is not upheld by the formal process, will not have the matter haled against them.
- This process shall be applied in accordance with the University's policies and procedures more specifically, the Code of Conduct and Sexual Harassment.
- A complaint under this policy may be withdrawn at any time.

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- The University may vary from this procedure with the consent of the parties.

VI. POLICY PROCEDURES

First Level: Informal Facilitation

1. When a complainant wishes to raise a grievance with the University within these procedures, that complainant must initially attempt to resolve the grievance through discussions with the other party or parties involved in the grievance process.
2. The complainant must also verbally advise the complainant's immediate supervisor. Where the complainant claims to have been aggrieved by the complainant's supervisor, the complainant may instead inform the Provost or the VPAF.
3. The Office of Human Resources is available to facilitate one-on-one discussions, on request.
4. The person or persons with whom the Grievance is raised will make a full verbal response to the Complainant not later than five working days, where practicable, from the date the matter is raised.
5. Depending on the grievance, the Director of the Office of Human Resources at his/her discretion will decide which level should apply to resolve the matter expeditiously.

Second Level: Mediation

1. If the employee is dissatisfied with the reply (or if there was not a timely reply at the First Level), the employee, or, where requested, their nominated representative, must advise the Director of HR, of the unresolved grievance.
2. At the request of the parties involved in the grievance process, or at the discretion of the Director of HR, the Director will arrange a mediation of the grievance with the aggrieved person or persons by either an independent and neutral mediator or the Director of HR will mediate the matter him/herself, within five working days where practicable.
3. The Director of HR will ensure that all parties involved are fully informed of the grievance, including the provision of any related written material(s).
4. The Director of HR can decide at his/her discretion whether the grievance at hand warrants mediation and/or should go directly to the hearing.

Third Level: Grievance Hearing

1. Where the grievance remains unresolved after five working days, or as soon as practicable, following the mediation, either party to the grievance process may refer the matter to the VPAF.
2. The VPAF will at his/her discretion decide whether a formal hearing will take place to decide on the final outcome.
3. The VPAF together with the Director of HR will appoint a chairperson, who will hear the grievance. Upon hearing all parties, the chairperson will make a recommendation to the VPAF.
4. The VPAF will either uphold the recommendation or change it at his/her discretion.
5. The Committee Chairperson, in collaboration with the VPAF, will select the remaining members of the Committee.

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Investigation

1. If an investigation is deemed appropriate, the Director of HR will investigate the matter. Where the grievance relates to other employees, the individuals involved will be informed in writing of the nature of the complaint and will be given the opportunity to submit a response.
2. The results of the investigation will form part of the grievance and will be submitted in the form of an investigation report. This report will also be made available to the employee raising the grievance and any employee(s) named in the grievance.

Appeals Procedure

Introduction

1. In the event the VPAF does not overrule the recommendation of the chairperson and the employee decides to appeal, only then may the employee appeal against a disciplinary or grievance decision, or against dismissal.
2. The employee must appeal in writing within two (2) weeks of the receipt of the outcome to the Department of HR.
3. This notice of appeal should set out the grounds of the appeal and state whether the appeal is in respect of the whole or in respect of any specified part of any finding of fact, decision, or sentence.
4. In the proceedings of the appeal, the employee will not be entitled, except with leave of the Appeal committee (see below), to rely on any grounds of appeal not specified in the notice of appeal.
5. In the event the VPAF overruled the recommendation of the chairperson and made his/her final decision, the employee may not appeal the final outcome.

Appeal Committee

1. The VPAF will appoint an Appeal Committee to hear the appeal, consisting of a chairperson and two University Employees.
2. The employees will not necessarily hold positions in the complainant's unit. They must have no conflict of interest in the appeal, be unbiased, and have the appropriate qualifications and experience to be able to evaluate the issues under investigation.
3. Where technical issues are involved, at least one of the employees will normally have the appropriate qualifications and/or experience. If it has not been possible to find an employee with appropriate qualifications and experience to be a member of the Appeal Committee, the Appeal Committee may call on the Director of HR to assist in the evaluation of the issues under investigation.
4. The Appeal Committee will meet within two (2) weeks of its establishment to hear the appeal, or as soon as is reasonably practicable.
5. In cases where the VPAF is the subject of the grievance, then the President will appoint the Appeal Committee.

Rules of Procedure

The rules of procedure of the Appeal Committee will be as follows:

1. All information regarding the case as well as the proceedings are to be held in strictest confidence.
2. The appellant and the responsible person are encouraged to make representations in writing, which wherever possible will be exchanged prior to the appeal hearing.
3. The appeal will be determined following an oral hearing from the appellant (the member) and the responsible person. The appellant and the responsible person will be entitled to make a statement and to address the Appeal Committee.
4. The chairperson may set time-limits for each stage of the proceedings, including the hearing itself, to the extent that any appeal will be heard and determined as expeditiously as is reasonably practicable.
5. Following the hearing of the appeal, the Appeal Committee will consider the facts of the case and may allow or dismiss an appeal, in whole or in part.
6. The decision of the Appeal Committee will be notified to the appellant and recorded in a document signed by the chairperson, giving the reasons for this decision. A confirmatory letter will be sent to the appellant within seven (7) days.
7. A copy of the document and letter will be sent to the Director of HR for filing.
8. The Appeal Committee may decide to vary the above procedure as it deems appropriate.

Witness Testimony Procedure

- The VPAF has the following authority which may require:
 - Witnesses upon request of either party or on the chairperson's own initiative.
 - The production of books, records, and other evidence.
- In the interest of fair treatment, it is encouraged that any employee of the University who is called to testify shall do so willingly.
- Any member of the University community or University unit with access to relevant documents is encouraged to provide them upon request by the chairperson or the VPAF of the University.
- If cooperation is not forthcoming, the VPAF and President may seek alternative measures to facilitate the gathering of information.

Whistleblowing

Whistleblowers are essential contributors to organizational integrity, providing a valuable means of identifying and addressing misconduct. To ensure the effectiveness of the grievance policy, AUK has strategically placed drop boxes both on campus and online through its website for submitting reports. For more information, please see Whistleblowing Policy.

This mechanism offers protection to individuals who may fear reprisal or retaliation for coming forward with information. AUK encourages all members of the University community to utilize this anonymous submission process to help maintain transparency and accountability within the University.

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Dissemination of Final Report

All parties of the grievance process are entitled to a copy of the full report upon conclusion.

Authority and Interpretation

The Director of HR is responsible for official interpretation of this policy. Questions regarding the application of this policy should be directed to Office of HR.

VII. POLICY HISTORY

- a. **Approved by:** Board of Trustees
- b. **Adopted:** June 2, 2024



GRIEVANCE FORM

PLEASE READ THE FOLLOWING INSTRUCTIONS BEFORE COMPLETING THE FORM

1. This form must be used to lodge a grievance (excluding an alleged unfair dismissal) when you are dissatisfied with an official act or omission, and you have been unable to resolve the problem by using informal discussion.
2. You have to lodge your grievance within 90 days from the date on which you became aware of the official act or omission which adversely affected you.
3. You may be assisted or represented by a fellow employee or a representative.
4. It is important to complete all information accurately. When the form is completed, it must be given to the Director of HR. The Office of HR will attach this form to the grievance documentation, and it will be used through all stages of the grievance procedures.
5. At each stage where a person within the relevant structure of authority attempts to resolve the grievance, each party will complete the appropriate part of the form. You will be given an opportunity to respond to each and every comment.
6. At the conclusion of each stage of the grievance procedure, the Office of HR will provide you with a copy of the completed form.
7. Once the grievance has been resolved, you do not need to complete the rest of the form.
8. You are required to complete Parts A and B of this form and to then hand it to the Director of HR. The employee will sign in the block below Part B of the form to indicate that the grievance has been received. Ensure that you receive a copy of the form when receipt of your grievance has been acknowledged.
9. Part C of the grievance form will be completed by the Director of HR and yourself during the various stages where attempts are made to resolve the grievance.

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PART A – PERSONAL INFORMATION (To be completed by aggrieved employee)	
Employee Name	
Employee No.	
Department	
Job Title	
Date on which you became aware of the official act or omission	
Name of representative (If applicable)	

Note: This form must be submitted to the HR Department once all signatures have been obtained.

PART B – DETAILS OF GRIEVANCE (To be completed by aggrieved employee: What are you aggrieved about?) P.S: Please make sure to add names, dates, times, witnesses.... Etc.

Note: This form must be submitted to the HR Department once all signatures have been obtained.

What solution do you propose?	
Date:	
Employee Signature:	

Note: This form must be submitted to the HR Department once all signatures have been obtained.

PART C: GRIEVANCE RESOLUTION: LEVELS

NOTES

This part of the form makes provision for various levels of authority to attempt to resolve the dispute. There are, however, no prescribed levels for the resolution of a grievance. Depending on the circumstances, one or more pages below need to be completed.

If the grievance cannot be resolved up to the level of the supervisor, it has to be submitted to the HR Director

The Grievance must be dealt with by all the applicable level/s (including the HR Director) within a period of 30 days unless extended by agreement with the aggrieved employee.

SIGNED _____ ON BEHALF OF EMPLOYER

Employee	
Date	
Was the grievance resolved?	Yes No
Do you have any comments?	

SIGNED _____ EMPLOYEE