



KAMUZU UNIVERSITY
OF HEALTH SCIENCES

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Staff Grievance Handling Procedures

JULY 2024

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DEFINITIONS

Grievance:	This is a concern, problem or complaint that an employee may raise with their employer.
Grievant:	A person or staff member who has raised a concern or feels to have been aggrieved or injured
Complainant:	Refers to an employee who has raised a grievance.
Evidence:	Available body of facts that substantiate one's complaint which may include witnesses' statements, documents, audios and photographs.
Respondent:	A party against whom a grievance is filed.
Senior Administrative Staff:	A staff member from the administration from the position of KU 5 and above.
Senior Academic Member of Staff:	An academic member of staff from the position of Senior Lecturer and above.

1. INTRODUCTION SCOPE OF THE PROCEDURES

The University is committed to promoting and maintaining a working environment where grievances can be discussed openly and respectfully between employees and employer or supervisors and which encourages staff to raise grievances as soon as they arise. These procedures set out the University's approach to resolving such grievances which inevitably arise from time to time within the workplace. The purpose of the grievance procedure is to address matters within the workplace that are of concern to individual members of staff in order to promote a positive and constructive working environment and working relationships. A grievance may be related to any aspect of employment relationship including working practices, physical working environment, terms and conditions, health and safety, working relationships or general treatment at work

2. SCOPE

The procedures shall apply to all KUHeS staff. Staff may raise grievances as an individual or collectively as a group. Grievances covered under other University policies shall be resolved by following procedures outlined in those policies.

3. OBJECTIVES

The objectives of these procedures are:

- a. To ensure a fair and equitable treatment of staff;
- b. To ensure that the grievances are dealt with fairly, consistently and expeditiously;
- c. To articulate clearly the procedures which shall be followed in seeking remedy to a grievance.
- d. To ensure conducive working environment.

4. GENERAL GUIDING PRINCIPLES

The following principles will apply to the application of this procedure, where procedures and circumstances allow an opportunity for informal resolution, this should be considered at an early a stage as possible. This will require the willingness of those involved but should be considered before moving to the formal procedure.

- a. **Right to raise a grievance:** Every staff member has a right to raise grievances as soon as they occur.
- b. **Right to be accompanied:** The complainant and the respondent, has the right at each formal stage of the procedure to be accompanied by and or represented by either a KUHeS Staff Union representative or a fellow employee, provided that the employee is not a legal practitioner.
- c. **Timeliness:** All grievances must be raised within 6 months following the complainant's realisation of the issue giving rise to the grievance. All reported grievances shall be resolved within the time scales stipulated within these procedures.
- d. **Right to provide evidence:** Both the complainant and the respondent may produce evidence in relation to grievance.
- e. **Respect for witness rights:** Witnesses that have been named shall have the right to decide whether to provide evidence or not. Intimidation, coercion or harassment of witnesses shall not be tolerated and such behavior shall lead to disciplinary action being taken.
- f. **Conflict of Interest:** Individuals who are involved in the procedure must ensure that any involvement they have which may cause a conflict of interest are disclosed to the investigating officer or hearing officer at the earliest opportunity so they may be managed appropriately as prescribed in the Conflict of Interest Policy.

- g. Abuse of grievance procedures:** The University is not under obligation to investigate frivolous, vexatious, or malicious complaints or complaints previously dealt with or to enter further correspondences if a reasonable response had been provided.

Disciplinary action shall be taken against an employee who repeatedly submits grievances which are considered by the University to be frivolous or vexatious.

- h. Capacity Building:** The University will ensure that appropriate capacity building is provided to staff members who may be called upon to hear grievances.

- i. Confidentiality:** All members of the Grievance Committee and those assigned for record keeping, as well as any staff member questioned in relation to an issue at hand, are bound by the duty of confidentiality at all times and hold in confidence all documentation and information exchanged in the process. The employee, his representative, any respondent and/or witnesses should not discuss the grievance, investigation contents of their statements with any other employees or third parties outside the grievance process. Any breach of this requirement will be considered a serious matter to be addressed under the disciplinary process.

- j. Objectivity:** Each complaint should be approached with an open mind and the facts and contentions in support of a complaint should be weighed objectively.

- k. Procedural Fairness:** The Complainant and the respondent shall be given an opportunity to comment on opposing information during the process of handling the complaint/grievance.

- l. Good Faith:** Deliberations between parties shall be in good faith.

5. ROLES AND RESPONSIBILITIES

- a. The Vice Chancellor shall be responsible for this implementation of this procedure in the university
- b. The Registrar shall be responsible for ensuring the compliance and implementation of this Procedure and for the regular review of the Policy.
- c. The Registrar shall also be responsible for reviewing the compliance information that the Human Resources Division is required to report.
- d. Supervisors shall be responsible for:
 - i. Making attempts to resolve all issues that arise in or are connected to the workplace, initially by informal resolution.
 - ii. Directing employees to the correct procedure for their complaint.
 - iii. Conducting thorough investigations into the grievance.
 - iv. The decisions and recommendations that they make.
 - v. Ensuring that the recommendations are implemented on conclusion of the process.
- e. The aggrieved party shall report as soon as possible within the prescribed period of 6 months and in an honest manner.
- f. Respondent /University shall ensure that they act on the grievance reported.
- g. The Human Resources Division shall be responsible for advising complainants, supervisors and relevant committees on the following matters:
 - i. The applicable procedure and compliance with it;
 - ii. Whether any further enquiries may be necessary/useful;
 - iii. The structure of the report(s);

- iv. The remedies/recommendations that may be available;
 - v. Interpretation and application of grievance procedure.
 - vi. Whether the proposed outcome is reasonable in all of the circumstances.
- h. The Human Resources Division shall be required to report, to the Registrar, any situation in which procedural timescales are not complied with (along with any relevant factors) so that compliance can be monitored.

6. INDIVIDUAL GRIEVANCE HANDLING

The University shall provide for informal and formal procedures when handling individual grievances.

6.1 Informal Procedure

- a. It is the intention of the University that grievances should be resolved quickly, informally and as close as possible to the point of occurrence.
- b. An aggrieved employee should raise any concerns or issues informally with their immediate Supervisor/Head of section.
- c. If the matter is against the immediate supervisor, it should be raised with that person's immediate supervisor who will seek to resolve the matter informally as appropriate.
- d. If an employee is not sure who to present a grievance to, he may approach the Human Resources office which shall guide the employee where to take the grievance to.
- e. A supervisor shall resolve a grievance at this level within 5 working days from the date the grievance is presented before him.

- f. The aggrieved employee shall not be represented in any form by a colleague, Trade Union, Staff Association or Legal Counsel at this level.
- g. The supervisor shall document a record of the grievance by filling Grievance Handling Form I specifying the following: Date of the complaint, summary nature of the grievance and the outcome or resolution(s) made. The concerned employee shall counter sign the Grievance Form I. Copies of the grievance record shall be served to the employee and submitted to the Human Resources Division for filing.
- h. Where the matter remains unresolved, the aggrieved employee may escalate the grievance formally to the higher level of management.

6.2 Formal Stage 1 (A)

- a. Where an employee is not satisfied with the resolution of the informal stage, he may raise a formal grievance to the supervisor a level above his supervisor.
- b. The formal presentation should be in writing by completing Grievance Form II, specifying the date the grievance was raised, details of the grievance and the remedy sought.
- c. The supervisor shall endeavour to resolve the grievance promptly, objectively and fairly.
- d. A supervisor shall resolve a grievance at this level within 5 working days from the date the grievance is presented before him.
- e. The supervisor shall document, in Grievance Form II, the details of the grievance specifying the date received, details of the grievance and the outcome.

- f. The concerned employee shall counter sign the Grievance Form II. Copies of the grievance record shall be served to the employee and submitted to the Human Resources Division for filing.

6.3 Formal Stage 1 (B)

- a. Where the aggrieved employee is not satisfied with the decision made in Stage 1 (A) above, he may raise a formal grievance (Grievance Form III) to the Vice Chancellor in writing stating the date, details of the grievance and attaching supporting evidence where necessary.
- b. The Vice Chancellor, shall constitute a Grievance Handling Committee whose composition shall be as follows:
 - i. One (1) Professor; who shall serve as Chairperson of the Committee;
 - ii. One (1) Executive Dean from a different School where the issue originates;
 - iii. Two (2) Senior Academic members of Staff;
 - iv. One Senior Administrative Staff;
 - v. One (1) representative from a recognised KUHeS Staff Union/ Association;
 - vi. Safeguarding Officer;
 - vii. Assistant Registrar (Human Resources) or his representative, who shall serve as secretary of the Committee.
- c. Two thirds of the membership present, shall constitute a quorum provided one of the members present is the Chairperson.
- d. The Committee shall:
 - i. Assess the grievance to determine, the method of resolving it;
 - ii. Investigate the details and facts of the grievance;

- iii. Call all parties to a meeting of the Grievance Handling Committee;
 - iv. Make a resolution of the grievance based on the facts presented before it, within 15 working days from the date the matter was presented to the Committee;
 - v. Document the grievance in the Grievance Handling Form III specifying the nature of the grievance, action taken and decision(s) taken. This form shall be counter signed by the concerned employee;
 - vi. Communicate the resolution to the concerned employee with copies to the employee's personal file.
- e. The Committee shall have the discretion to choose a method to resolve the grievance which may include, but not limited to, mediation or negotiation.
- f. Employees shall have the right to be accompanied and/or represented by a recognised Trade Union or Staff Association official who is not a member of the Committee, shall provide support through presence, consulting and/or presentation of the matters during the Grievance Committee Meeting.

6.4 Formal Stage 2 (A)

- a. Where an employee is not satisfied with the resolutions of the Grievance Handling Committee, he may raise a formal grievance to the Grievance and Dispute Handling Committee of Council (Grievance Form IV).

6.5 Formal Stage 2 (B)

- a. Where an employee is not satisfied with the resolutions of the Grievance and Dispute Handling Committee of Council, he may submit an appeal to the Appeals Committee of Council (Grievance Form V).

- b. Matters of appeal shall be on:
 - i. Procedural Error or;
 - ii. Outcome or recommendation that are unreasonable and significantly out of line with issues being considered or;
 - iii. New available information which should have been reasonably provided when the original outcome was decided.
- c. The Committee shall comprise the following members:
 - i. One retired Judge of the High Court who shall serve as a Chairperson of the Appeals Committee;
 - ii. Two Professors who were not part of the original decision; one shall be female,
 - iii. One Executive Dean who was not involved in the matter being appealed.
 - iv. One Head of Administration Directorate who was not part of the decision being appealed against;
 - v. One student representative who is not in the Student Representative Council, if matters concern students or one staff member representative who is not an Executive member of the Staff Union, if matters concern a staff member.
 - vi. Registrar shall serve as secretary of the Appeals Committee.
- d. When the appointed Chairperson is not available for other reason, the committee shall nominate one of the Professors to chair the meeting;
- e. Where the Grievance Committee of Council sees fit, it shall call the concerned parties. Otherwise, the Committee shall use the documents presented to it to decide on the matter;

- f. The Grievance Committee of Council shall make a resolution of the grievance based on the facts presented before it, within 15 working days from the date the matter was presented to it;
- g. The Committee shall document the appeal details and communicate the decision/outcome to the concerned employee with copies to his personal file or recognised Trade Union.
- h. Where an individual employee is dissatisfied with the decision of the Grievance Committee of Council he may seek further redress with the Industrial Relations Court or High Court as the case may be.
- i. An employee wishing to withdraw a formal grievance may do so in writing to the Registrar at any point.
 - i. Any grievance that has been formerly withdrawn at any level, cannot be brought back for hearing again.

7. COLLECTIVE GRIEVANCE RESOLUTION

- a. The University shall strive to resolve grievances promptly and fairly.
- b. In resolving employee collective grievances, the University shall engage mediators agreed upon by all parties to the grievance.

7.1 Process

- a. The aggrieved party shall raise a grievance (Grievance Form VI) to the Vice Chancellor who shall endeavour to resolve the matter within 15 working days.
- b. Where the aggrieved party is still unsatisfied with the resolution by the Vice Chancellor, he may raise the grievance to the Grievance and Dispute Handling Committee of Council through form VII.
- c. Where the aggrieved party is still unsatisfied with the resolution by the Grievance and Dispute Handling Committee of Council, the matter shall be referred to Council (Grievance Form VIII), and the Parties to the grievance, shall be communicated accordingly.

- d. Where a matter is taken to the Council for resolution using Form VIII, Council shall institute its appeals committee which shall endeavour to resolve the grievance.
- e. The Appeals Committee of Council shall resolve the matter within 15 working days from the date the matter is presented before it.
- f. Where a party to the grievance is still unsatisfied with the resolution of the Appeals Committee, the party may commence the utilisation of dispute settlement provisions in the Labour Relations Act.

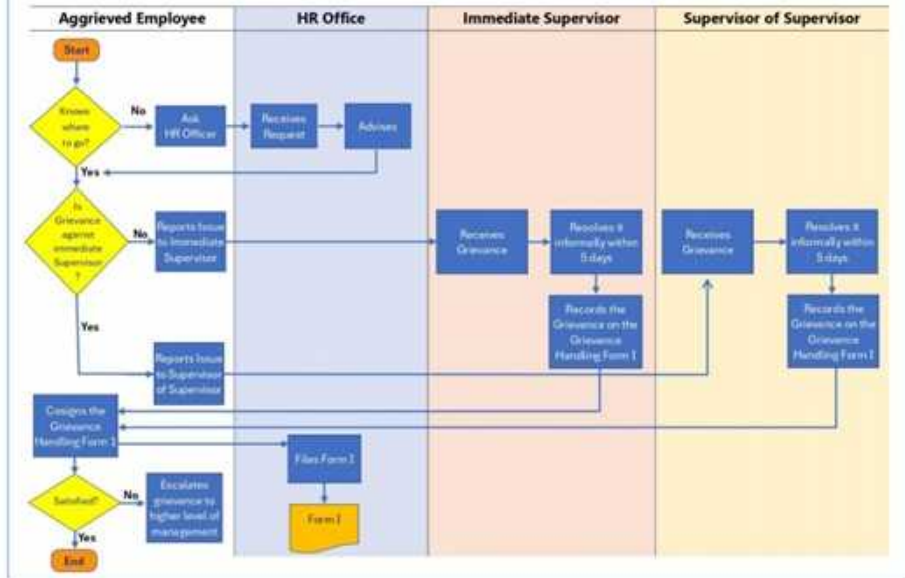
8. RECORDS

- a. The Registrar shall ensure that the following minimal set of records is kept for matters attended by the Grievance Committees:
 - i. Forms I to VI
 - ii. All Supporting documents or other evidence presented at each level
 - iii. Grievance files of the grievance
- b. The Human Resources Division shall be the responsible unit that ensures the filing and safekeeping of all the records pertaining to grievance (s).
- c. The formal grievance file shall be made available at each stage of the process.

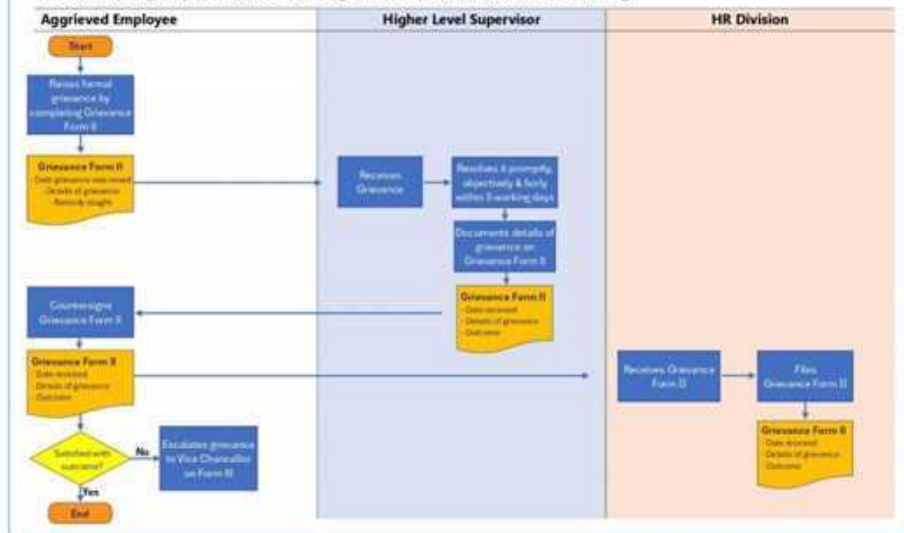
9. PROCESS FLOW DIAGRAMS

The processes described in chapters 6 and 7 above are visually depicted through the process flow diagrams below:

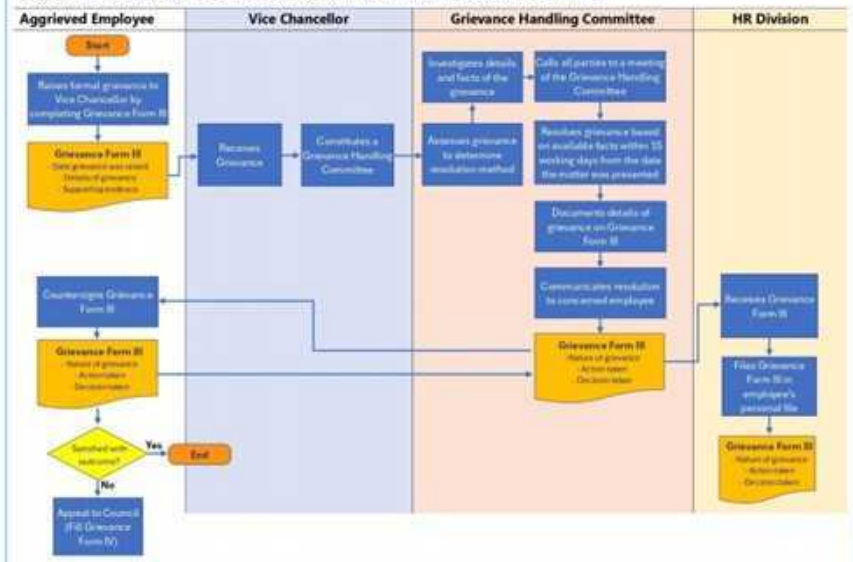
9.1 Stage 1 - Informal Procedure Process Flow Diagram for Individual Grievance Handling



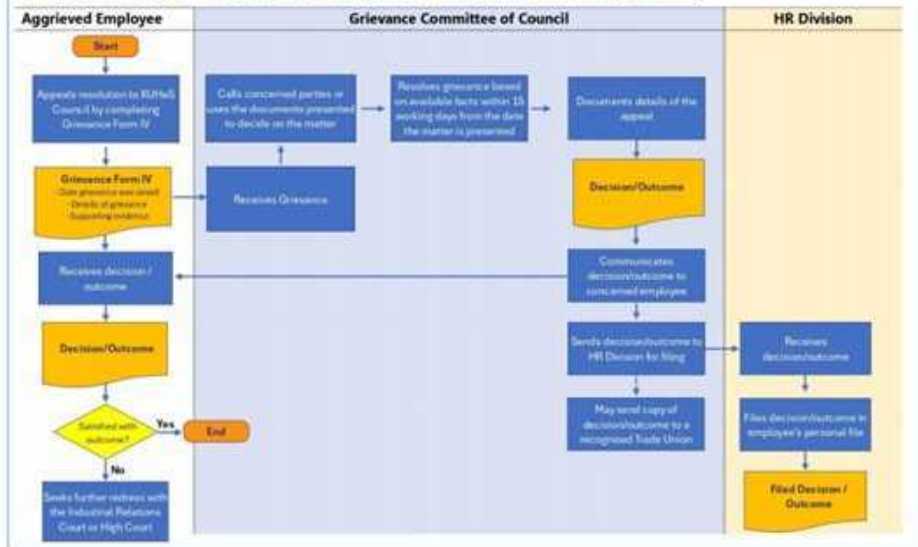
9.2 Formal Stage 1 (A) - Process Flow Diagram for Individual Grievance Handling



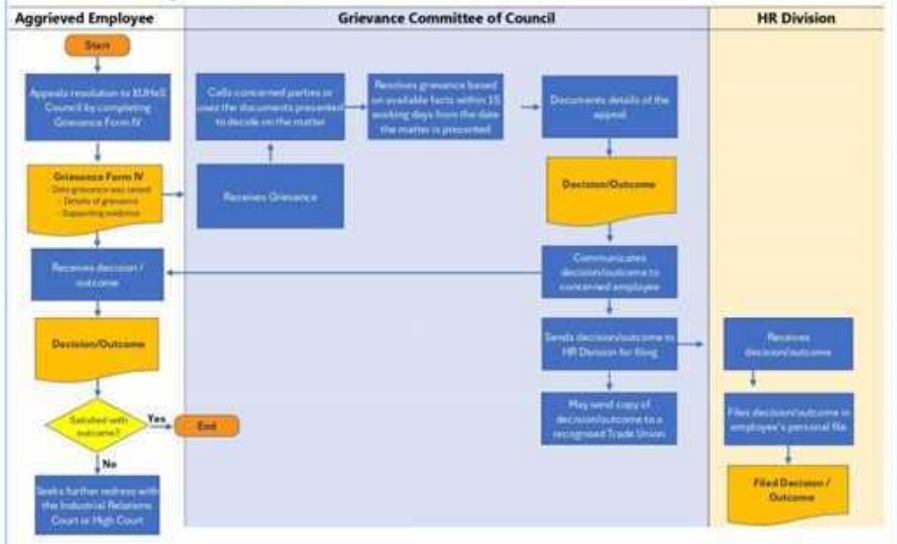
9.3 Formal Stage 1 (B) - Process Flow Diagram for Individual Grievance Handling



9.4 Formal Stage 2 - Process Flow Diagram for Individual Grievance Handling



9.5 Process Flow Diagram for Collective Grievance Resolution



10. APPENDIXES: GRIEVANCE FORMS

The following are the forms that will be used for submitting grievances at different levels-

10.1 APPENDIXES: EMPLOYEE GRIEVANCE REPORT- FORM I



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FORM I

KUHeS Forms

EMPLOYEE GRIEVANCE REPORT FORM

PART A: to be completed by Complainant

Date of reporting:

Name of Grievant:

Department:

Email:

Work Phone:

Cell Phone:

Nature of Grievance (If you need more space to explain your situation, please attach a separate sheet of paper):

Relief Sought (If you need more space to explain your situation, please attach a separate sheet of paper):

PART B: to be completed by Supervisor

Outcome/Resolution:

Response Accepted (issue

resolved):

Yes No Rejected (Refer to Formal

Stage IA):

Yes No

Request for a meeting: Yes No If yes, meeting date scheduled:

Complainant's Signature: _____ Date: _____

Supervisor's Signature: _____ Date: _____

10.2 APPENDIXES: EMPLOYEE GRIEVANCE REPORT - FORM II



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FORM II

KUHeS Forms

EMPLOYEE GRIEVANCE REPORT FORM

PART A: to be completed by Complainant

Date:		
Name of Complainant:		
Department:		
Email:	Work Phone:	Cell Phone:
Date when the grievance was made:		

Nature of Grievance (If you need more space to explain your situation, please attach a separate sheet of paper:

Relief Sought (If you need more space to explain your situation, please attach a separate sheet of paper)

PART B to be completed by Supervisor

Outcome/resolution:

PART C: Agreement/disagreement with the resolution

Response Accepted (issue resolved):

Yes

No

Rejected (Refer to Formal

Stage IB):

Yes

No

Request for a meeting: Yes No If yes, meeting date scheduled:

Complainant's Signature: _____ Date:

Supervisor's Signature: _____ Date:

**10.3 APPENDIXES: EMPLOYEE GRIEVANCE REPORT FORM
SUBMISSION TO GRIEVANCE COMMITTEE - FORM III**



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FORM III

KUHeS Forms

EMPLOYEE GRIEVANCE REPORT FORM SUBMISSION TO GRIEVANCE COMMITTEE

PART A: To be completed by Complainant

Date of reporting:		
Name of Complainant:		
Department:		
Email:	Work Phone:	Cell Phone:
Nature of Grievance (If you need more space to explain your situation, please attach a separate sheet of paper:		

Attach supporting documents and forms I and II

Complainant's Signature: _____ Date Submitted:

Vice Chancellor's office

Signature: _____ Date received:

CC: Complainant
Vice Chancellor

**10.4 APPENDIXES: EMPLOYEE GRIEVANCE REPORT FORM
SUBMISSION TO GRIEVANCE COMMITTEE - FORM IV**



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FORM IV

KUHeS Forms

**EMPLOYEE GRIEVANCE REPORT FORM SUBMISSION
TO THE VICE CHANCELLOR**

PART A: To be completed by Complainant

Date of reporting:

Name of Complainant:

Department:

Email:

Work Phone:

Cell Phone:

Nature of Grievance (If you need more space to explain your situation, please attach a separate sheet of paper:

Attach supporting documents and forms I, II and III

Complainant's Signature _____ Date Submitted:

Vice Chancellor's office

Signature: _____ Date received:

**10.5 APPENDIXES: EMPLOYEE GRIEVANCE REPORT FORM
SUBMISSION TO APPEALS COMMITTEE - FORM V**



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FORM V

COLLECTIVE GRIEVANCE REPORT FORM TO APPEALS COMMITTEE

This form is to be used for grievance and disputes from organized labour. The Trade Union/Staff Association/Joint Consultative Council launching a grievance is advised to familiarize its members with the Grievance Handling Procedures.

SECTION A: PARTICULARS OF AGRIEVED PARTY

1. Name of Trade Union/Staff Association
2. Name & Position of Representative
3. Trade Union Registration

Number (if applicab le)		
4. Contacts	Cell	E-mail
	Address	

SECTION B: GRIEVANCE SUBMISSION

5. Grievance description (If you need more space to explain your grievance, please attach a separate paper):
6. State initiatives done to try to resolve the grievance.
7. Have you reported the same grievance to any other institution? If yes, please specify and attach documentary evidence
8. List of documents attached in support of the grievance

.....	
9. Submitted to (Vice Chancellor's Office)	Name
	Designation.....
	Submission Date.....
	Signature (Representative)
10. Receipt	Name
	Signature Date

SECTION C: OUTCOME/RESOLUTION

To be completed by the Vice Chancellor.

11. Action Taken & Decision (s) made	
	Name	
	Signature	Resolution date:
12. Acknowledgement		
(Name of representative) agree that the contents of this Grievance Form V is a true reflection of the process and decision(s) of the grievance submitted.		
Name: Signature		
Date		

SECTION D: DISTRIBUTION OF COPIES

For HR office only (Check appropriately)

Copy 1	File	Date
Copy 2	Trade Union/Representative	Date

**10.6 APPENDIXES: EMPLOYEE GRIEVANCE REPORT FORM
SUBMISSION TO APPEALS COMMITTEE - FORM VI**



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FORM VI

KUHeS Forms

EMPLOYEE GRIEVANCE REPORT FORM: APPEAL TO COUNCIL

PART A: To be completed by Complainant

13. Name of Trade Union/Staff Association		
14. Name & Position of Representative		
15. Trade Union Registration Number (where applicable)		
16. Contacts	Cell:	E-mail:
	Address:	

PART B: Union Representative/staff representatives

1. Appeal description (If you need more space to explain your grievance, please attach a separate paper):

.....

.....

.....

2. State initiatives done to try to resolve the grievance.

.....

.....

3. List of documents attached in support of the grievance

.....

.....

.....

4. Submitted to [Vice Chancellor's Office]

Name

Designation.....

Submission Date.....

Signature (Representative)

.....

5. Receipt

Name

Signature **Date**

Attach supporting documents and form V

CC:

Vice Chancellor
Union