

BAQAI MEDICAL UNIVERSITY

**GRIEVANCE POLICY
AND
WHISTLEBLOWING PROCEDURE**

Version 1

2019



Baqai Medical University

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1. INTRODUCTION

A grievance is any problem, concern or complaint about something that is believed to be unfair, unjustified or wrong. A grievance can relate to almost any aspect. Issues that may cause grievances include:

- Adverse changes in employment conditions
- Discrimination based on race, color, sex, gender, religion, age, marital status, national origin, disability, veteran status, or any other basis
- Harassment
- Health and safety
- Leave allocation
- Performance appraisal
- Rosters or hours of work
- Staff development or training
- Supervisor behavior and/or supervision related issues or vice versa
- Transfer or promotion
- Violence including bullying and ragging
- Wage or salary levels
- Grievances between colleagues

2. PURPOSE

Baqai Medical University (BMU) recognizes that problems, complaints, or grievances might arise in the daily relationships between faculty, staff, and students. The Grievance Policy is an umbrella that covers the interest of all students and employees of Baqai Medical University and provides a way to bring forward problems, complaints, or grievances. The purpose of making this policy is to achieve consistent treatment in the handling of grievances and provide a procedure to follow in the event if any grievance arises.

3. SCOPE

The Grievance Policy applies principally to students and all employees of BMU including faculty and staff. This policy also applies to those who interact with the BMU or its affiliated programs. Any member of the BMU community, including but not limited to students, employees, and alumni, has a right to express a grievance. This policy applies to all university-related activities both on and off campus and applies to all individuals involved in these activities. This policy also applies to conduct by or directed toward third parties, which are not themselves employees or students of BMU. This policy can be changed/amended at any time, when deemed necessary, with the permission of the Vice Chancellor.

4. DATE OF IMPLEMENTATION

This policy shall be effective from January 1, 2019.

5. POLICY STATEMENT

A) For Employees

- i) The University is committed to promoting effective working relationships and creating an environment in which employees feel able to raise work related issues with their Executives.
- ii) The operating principles and definitions contained in this document are in accordance with Section 24 (1) and (2) of the BMU Act 1996, Section 26-32 of BMU (Employees' Services) Regulations 2015, and BMU Policy on Conflicts of Commitment and Conflicts of Interest.
- iii) All grievances must be raised promptly (preferably in writing) and without undue delay.
- iv) A grievance can arise within or outside the campus.
- v) This policy aims to:
 - a) Provide a clear and transparent framework to deal with concerns, problems or complaints raised by employees in the course of their employment.
 - b) Achieve an appropriate and prompt resolution to individual grievances.
- vi) This procedure does not apply to complaints, grievances or appeals where other policies or procedures are in place, for example those in relation to conduct, redundancy, capability, ill health, dismissal for some other substantial reason, academic promotions, etc. unless specific provision is made within such policies or procedures to use all or part of this procedure.
- vii) This procedure cannot be used:
 - a) To settle disputes between the University and the Trade Unions;
 - b) To change collective terms and conditions of employment or University policies and procedures;
 - c) To complain about dismissal or disciplinary action.
 - d) If the grievance relates to matters that are already being considered pursuant to another policy or procedure;
 - e) After employment has ended.
- viii) If employees have a common grievance, the University may deal with them together. If employees bring a grievance jointly with students, this grievance procedure will be used.

- ix) Employees must raise their grievance(s) without unreasonable delay.

5.1. Early Resolution

- i) This procedure should not be used as a substitute for normal day to day discussions which should ordinarily resolve an employee's concerns. Wherever possible concerns raised by employees should be resolved informally without recourse to formal procedures. It is expected that individuals will enter into the procedure in good faith with the aim of resolving matters at the earliest opportunity.
- ii) The University encourages employees to resolve any concerns which arise in the workplace at the earliest opportunity and are encouraged to discuss their concern(s) with their line Executive in the first instance. Executives shall be responsible to address the employee's concerns appropriately and promptly.
- iii) It is the Executive's responsibility to seek to resolve any concern(s) that has been raised. Where a concern has been resolved as a result of such discussions it may be helpful for the Executive to confirm their understanding in writing to the employee to ensure that there is a common understanding of the outcome.
- iv) If following discussion of the concern(s) or where the concern(s) raised involve interpersonal relationships and the Executive considers it appropriate, they may decide that:
 - a) A facilitated discussion takes place; or
 - b) The matter is referred to the Mediation Service.

Both of these routes are voluntary and will only take place if all parties agree. It is, however, hoped that employees will recognize the benefits of seeking to resolve issues by either of these routes and will be amenable to and cooperate with this approach.

- The concerns be referred under the Acceptable Behavior Policy; or
- The concerns be dealt with under the Formal Procedure.

5.2. Formal Procedure

- i) The grievance procedure outlined in this policy is primarily for cases where this approach has not been successful or is not appropriate. For further assistance (where required), other policies of BMU such as Policy on Conflicts of Commitment (COC) and Conflicts of Interest (COI) may be considered.
- ii) Where the grievance raised is not capable of early resolution, the employee should raise the matter formally by writing to the Appropriate Executive within three months of the act(s) taking place or within 28 days the date of the last informal meeting.
- iii) If the grievance involves the employee's line Executive, the employee may write to the next senior level of management as appropriate. If the grievance involves the top Administrative Hierarchy, the employee should write to the Chairperson of the Board of Governors through the Secretary/Registrar (in each case referred to as "the Executive" below).

- iv) The employee should set out the nature of the grievance, the evidence on which it is based and the remedy sought.
- v) On receipt of a letter setting out a grievance, the employee will be asked to attend a formal grievance meeting in order to discuss the grievance. This meeting will normally take place within fourteen working days of the written acknowledgement of the grievance.
- vi) As a result of the first grievance meeting, the Executive may determine that it is necessary to make further enquiries and/or may appoint an investigating officer to conduct an investigation into the background facts or into any allegations made by the employee.
- vii) If after discussion, the grievance is found to be vexatious or trivial the Executive may dismiss it without further consideration. The employee will be advised accordingly.
- viii) The Executive may also consider whether it is appropriate for the grievance to be dealt with pursuant to alternative University procedures.
- ix) Where the grievance relates to other employees, the individuals involved will be informed in writing of the nature of the grievance and will be given an opportunity to submit a response.

5.3. Investigation

- i) If an investigation is deemed appropriate, the Executive will appoint an appropriate person to investigate the grievance and provide a report to the Executive.
- ii) The report will also be made available to the employee raising the grievance and the parties to the grievance.
- iii) Following the investigation, the Executive may take further action as appropriate, for example:
 - a) Meet with the individual raising the grievance;
 - b) Seek clarification on any further issues that might have arisen;
 - c) Allow those concerned to comment on the findings of the investigation; or
 - d) Meet with the individual raising the grievance and those grieved against.
- iv) The Executive will inform the employee when he/she has completed such actions.

5.4. Outcome

- i) The Executive will determine the outcome of the grievance. S/he may reject the grievance, or may uphold the whole or parts of the grievance and indicate what steps have been or should be taken to resolve it.
- ii) The Executive will inform the parties to the grievance in writing of the decision normally within 14 days of the notification set out in section 5.3.

5.5. Appeal

- i) If the grievance remains unresolved and the employee who brought the grievance wishes to take further action, the employee may write to the HR Director within 14 days of the date of the decision to exercise his/her right of appeal. The employee must identify the part(s) of the grievance that remain unresolved and the remedy sought.
- ii) Appeals will be considered by a more senior Executive (Appeal Officer). The Appeal Officer will have had no prior involvement in the case and will be supported by a member of the Registrar's Office or HR team.
- iii) The Appeal Officer will meet with the employee in order to discuss the appeal. The meeting will normally take place within 14 days of the written acknowledgement of the appeal.
- iv) As a result of the meeting, the Appeal Officer may determine that it is necessary to make further enquiries and/or may appoint an investigating officer to conduct an investigation into the background facts or into any allegations made by the employee.
- v) Following the investigation, the Appeal Officer may take such further action as appropriate, for example:
 - a) Meet with the employee raising the appeal;
 - b) Seek clarification on any further issues that might have arisen;
 - c) Allow those concerned to comment on the findings of the investigation; or
 - d) Meet with the individual raising the appeal and those grieved against.
- vi) The Appeal Officer will inform the employee when he/she has completed such actions.
- vii) The Appeal Officer will determine the outcome of the appeal. S/he may reject the appeal, or may uphold the whole or parts of the appeal and indicate what steps have been or should be taken to resolve it.
- viii) The Appeal Officer will inform the parties to the grievance in writing of the decision normally within 14 days of the notification set out above in Section 6 (v).
- ix) The decision on appeal is final.

B) For Students

- i) For all cases related to grievances/complaints of the students, any nominated person of the department/institute/college/faculty (e.g., Student Advisor) shall be the key person to handle all such relevant matters.
- ii) The nominated faculty member (e.g. Student Advisor)/committee shall be responsible at the initial stage to solve any matter under grievances/complaints of the students. The nominated faculty member/committee can contact/consult directly any personnel of the institute either teaching or non-teaching for confirmation of any issue related to the matter.

- iii) The nominated faculty member/committee shall be responsible for informing the Director/Principal/Dean about any cases related to the grievance of the students from time-to-time.
- iv) The nominated faculty member/committee can consult the Faculty Member or Chairperson of the Department, on the recommendation of the Director/Principal/Dean (if required), to sort out any matter related to any grievances/complaints of the students.
- v) If the matter is not resolved, the concerned Dean may form a committee to resolve the issue. The committee may submit its recommendation to the Dean, for which the decision of the Dean shall be considered final.
- vi) A student can file a complaint as a hardcopy to the Office of the concerned faculty member/committee/ Student Advisor/Director/Principal/Dean or any other top Administrative Hierarchy.
- vii) In case of online submission, the email shall be forwarded to the concerned department through Registrar Office of BMU (registrar@baqai.edu.pk).

6. WHISTLEBLOWING PROCEDURE

- i) Whistleblowing is the term used when a worker passes on information concerning wrongdoing. The wrongdoing will typically (although not necessarily) be something they have witnessed at work.
- ii) Whistleblowing procedure enables employees to report illegal activities, wrongdoing or malpractice without being penalized. This includes protecting students and/or employees of BMU from any detriment or discrimination if they do report improper or illegal conduct within the organization.
- iii) Examples of such illegal activities, wrongdoing or malpractice (which are not exhaustive) might include:
 - A criminal offense
 - The breach of a legal obligation or regulatory requirement
 - A miscarriage of justice
 - A danger to the health and safety of any individual
 - Damage to the environment
 - Bribery or financial fraud or corruption
 - Unethical conduct (including harassment)
 - Deliberate attempt to conceal any of the cases mentioned above
- iv) BMU strongly encourages students and all its employees to report any such activity to the concerned person(s) of the higher management as explained under Section 5(a) and 5(b) of this policy.
- v) In case if any student or employee of BMU who is well aware of any illegal activities, wrongdoing or malpractice as mentioned in Section 6 (iii) but fails to notify even on complete information or take no action on the report of any such activities, this act shall be regarded as misconduct which will result in disciplinary action. This can be treated according to the Section 6 of the Policy on Conflicts of Commitment (COC) and Conflicts of Interest (COI) or as decided by the higher management of the university.
- vi) If a student or employee makes a genuine allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against them. If, however, they make malicious or vexatious allegations, particularly if they persist with making them without any concrete evidence, then disciplinary action may be taken against the individual making the allegation under the Section 6 of the Policy on Conflicts of Commitment (COC) and Conflicts of Interest (COI) or as decided by the higher management of the university.
- vii) If any student or employee thinks that the matter is within this policy, but any of the concerned persons as mentioned under Section 5 of this policy are involved therein, he/she can directly contact the Registrar Office or in special circumstances directly to the Vice Chancellor/Chancellor Office.

- viii) However, where anyone is directly affected by the matter in question, or if anyone feels that he/she has been victimized for an act of whistleblowing, he/she can raise the matter under the Section 5 of the Grievance Policy.
- ix) BMU will protect any student and/or its employee from any detriment, victimization, harassment or bullying as a result of their disclosure or act of whistleblowing.
- x) All whistleblowing claims must be raised promptly (preferably in writing) and without undue delay.
- xi) BMU will treat all disclosures/whistleblowing claims confidentially and sensitively. As part of this, the identity of any student or employee making an allegation may be kept confidential so long as it does not hinder any investigation. However, the individual making the disclosure/ whistleblowing claim may need to provide a statement as part of the evidence gathering process, and their identity may be revealed or implied as part of the investigating process.
- xii) Possible outcomes that can result from any investigation due to whistleblowing claim may include:
- xiii) No further action or as decided by the higher management of the BMU/Baqai Foundation.
- xiv) Disciplinary action according to Section 6 of the Policy on Conflicts of Commitment (COC) and Conflicts of Interest (COI) or as decided by the higher management of the university.
- xv) Further investigation by an external authority.