

Faculty Complains and Grievances Handbook

Prepared by
Deanship of Development and Quality
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Introduction

Qassim University is keen to ensure discipline and quality of its systems. The University is also keen to ensure that students, staff, administrators, faculty members and leaders, work with a sense of comfort and satisfaction, which should reflect positively on the outcomes of the University, and should lead to positive development and improvement of its reputation in the community. QU strongly believes that faculty members are the pillars of the education, research and community service activities. Therefore, the University works to solve whatever problems that might be encountered. The university gives the right to the faculty to complain if they feel that they have been wronged, or not treated with equality or respect. The University formed a committee to receive and solve the complaints of its employees (academic and administrative staff).

The University has prepared this handbook for the faculty to guide them if they face any problem or feel that they have been subjected to inequality.

Role of Department and College Councils

According to traditions and norms of the universities, it is preferable to solve the problems, and manage the work through the discussion and suggesting the suitable solutions for the problems facing the faculty during the meetings of the scientific department councils and the college/supporting deanships councils. This is performed in an atmosphere of the one family feeling which is one of the character of the university staff and the academic work. In case of inaccessibility to a satisfactory solution through the councils, the faculty member has all the freedom to complain or raise his grievance against any administrative or academic decisions using a mechanism prescribed by the University.

Complaints and Grievances Committee

A standing committee has been formed according to the University Rector decision number 73006 dated 28/11/1440 AH for investigating the grievances in the University. Among its tasks is investigating the complaints of all employees including faculty are the following:

Tasks and Responsibilities of the Committee:

- 1- Treating the problems which face the employees including the faculty.
- 2- Deciding suitable recommendations to solve the causes of the complaints and grievances.
- 3- Following up the received complaints and grievances from the different sources.
- 4- Validating the causes and grounds of the complaints and grievances with complete fairness and objectivity.
- 5- Keeping the secrecy of the information, which ensures goodness of the procedures of investigating the complaint, and the privacy of the complainant and the Committee members.
- 6- Documentation of the complaints and grievances.

7- Forwarding the complaints and grievances of the criminal or penalty nature to the specialized body.

8- Following up the continuous improvement of the procedures of treating the complaints and grievances.

Steps of Grievance against Decisions of the Scientific Committees

According to the rules and system of work of the Scientific committees in its second round (2016-2019)

Item (31): Procedures of grievance against the result of investigation of the applicants' documents:

- The aggrieved from the non-promotion decision of the Scientific Committee shall submit directly entreaty to the Vice-Rector of the University for Higher Studies and Researches, Head of Complaints and Grievance Committee in the University, explaining the reasons of grievance accompanied by all the documents supporting his entreaty.
- The Vice-Rector of the University for Higher Studies and Research forward the serious grievances to the Secretary of the Higher Council of Universities.
- The Secretary presents the universities' grievances which show seriousness to the "High Committee", which study them with the right of:
 - Conserving the grievance after making sure that the complaints has no right.
 - Forwarding the grievance to the "Specialized Committee" to state the scientific opinion.
 - Address the scientific committees with any comments or reservations.
 - Ask a member from the "Specialized Committee" to attend the meeting seeking for his opinion.
 - Taking decisions for the grievances which proved its seriousness, and take actions regarding them.
 - Presenting the matter to the High Council of Universities to form a 5-member committee for investigation and evaluation

Administrative Grievance Complaints

Some cases may require certain actions before they are brought before the Board of Grievances. One of those actions include administrative grievance complaints. Administrative grievance complaint is a pre- procedure for filing an administrative lawsuit. It means that the complainer reaches out to the administrative body of the defendant, thus expressing his/her requests and objections. This grievance may be compulsory in some lawsuits and optional in other lawsuits.

- 1- Work related rights claims: Claims in which employees or pensioners claim statutory rights.
- 2- Claims for the abolition of administrative decisions affecting the status of individuals.

In the two types mentioned above, if an individual submits an administrative claim to the Board of Grievances before submitting a grievance complaint to the management, it is not going to be accepted. In other cases (such as administrative contract claims, and administrative liability claims), submitting a grievance complaint to the management is optional, not compulsory. The person may turn to the management for grievance complaint, or he can go to court right away. The benefit for seeking grievance, is the process could be faster and the issue could get resolved quicker. It also saves time and effort for the management and the complainer. In addition to that the management can respond to the complaint in a positive way and the benefits required form the complaint could get achieved. The complaint should be submitted within a specific period and if the complainer missed this period he would not still hold the right to file a complaint. Therefore, the person that has a complaint must pay attention to this period, and the duration varies according to administrative cases. If an appeal is made against an administrative decision, it must be filed within 60 days from the date of him/her being aware of this decision. Missing the period means that the administrative decision holds and is protected. It also results in the failure to accept the administrative case if it is filed in court. Because submitting a grievance complaint is obligatory in cases of cancellation of administrative decisions as mentioned earlier. However, if the grievance is on a subject related to work related rights, the period specified shall be ten years from the date of the right to be asked for by the administration. Complaints related to civil rights are filed with the Ministry of Civil Service.

1- Definition of Administrative Grievance Complaints

It means that the person who suffers or feels that one of his rights is taken from him reaches out the management. The person will request that the management reevaluates a decision taken in the manner that he is complaining about. He wants the decision to be corrected by reversing it or cancelling it. Complaints in this way is another option to

resolving matters by ending it in its early stages and fining justice in a fast easy way for employees. The management had realized that if employees could receive their rights within their work force it makes everybody; life easier without the need to go to court. In turn this results of saving money that going to court requires. If any decision was taken and it proved to be wrong the management doesn't see any harm from correcting the decision in a civil way. In addition to the foregoing, direct complaints to the administration leads to results that sometimes cannot be reached by going to court, the judiciary control is mainly aspects of legitimacy, while the administration can amend the decision or cancel it just because of inadequacy.

2- Conditions of Administrative Grievance Complaints

In order for the administrative grievance complaint to have legal effect, the following legal conditions must be met:

- The grievance must be focused on a specific decision, and the complaint must be submitted after the issuance of the decision. The complaint cannot be submitted complaining about the initial decisions prior to the main decision.
- The complaint has to be submitted by the employee who is affected by the decision himself or whoever is legally authorized to be his representative such as his lawyer. It is also not allowed to refer to or use other complaints submitted by other people even if the case is related.
- The complaint has to be submitted to the management party who issued the decision or to the higher authority management party that manage the party who issued the decision. The reason behind that is clear because only the party that issued the decision or whoever has higher authority of this management party is the only authorities that can cancel or reverse the decision under complaint. Other parties have no authorities to look into decisions not issued by them. However, this is not an absolute rule, as the Egyptian administrative judiciary acknowledged the legal effects of a complaint, even if it was submitted to a party other than the one who issued it; within the legal deadline for submission.
- The complaint should be aimed at obtaining from the party that we are complaining to an administrative decision that can be challenged by cancellation. Therefore, the decision must be decisive in determining its objective whether to withdraw the decision or cancel it or amend it. If the complaint is intended to obtain an interview with the grievance, or its purpose is to take the opinion of the administration, or simply to protest, the application to the administration does not produce a legal effect.
- The complaint must be submitted within the original date of appeal for cancellation (sixty days from the date of the knowledge of the person concerned) because the passage of this date would lead to the impossibility of prejudice to the decision by the administration and the elimination of both, and therefore any complaint would not work. The lesson in this area is not the date of filing the complaint, but the date

of arrival to the party concerned, so it is not enough for the complainant to prove that he has sent his complaint within the date specified by law, but must prove that this complaint sent on time has reached the party concerned, and within the deadline for filing cancellation proceedings.

- The complaint should also be in the interest of the beneficiary. In other words it could possibly end up in benefit for the issuer of the complaint. That the petitioner withdraws, amends or rescinds the decision subject to the grievance. If that is not possible, there is no point of issuing a complaint.

A complaint shall not be required in a specific form. It may be submitted by a petition submitted by the concerned person to be deposited in the Bureau of the Administration. Specific formalities for filing a grievance. In general, it does not affect the legal existence of the complaint, the omission of a signature, or the absence of a stamp.

3- Types of Administrative Grievance Complaints

- The Complaint is Optional

The optional complaint shall be subject to the discretion of the concerned parties whether they wish to pursue with it or leave it, and immediately go to court with their matter of concern. This is due to the fact that it is an optional issue to file a complaint internally first. It is also permitted that the holder of the complaint can pursue both ways file the complaint internally and go to court at the same time without even waiting for the response of the internal management or for 60 days of the management receiving the complaint. The internal management can approve all of the complaint issuer requests or some of them. In the case of approving all his requests the court dismisses the case. If the internal management only approved some of the issuer requests. He will have the right to complete his case with the court requesting the rest of his requests or to cancel the case if he wishes. Usually the complaint issuer cancels the case if his main requests got approved.

- The Complaint is Obligatory

This means filing the complaint internally is an obligatory condition before taking the his case to court. In this case the complaint issuer has to wait for the responses of the internal management. This type of complaints is limited to appeals by staff members to decisions regarding job matters.

Complaints are optional except for the specific situations:

- Appointment decisions in public office.
- Promotion decisions.

- Decisions to terminate the employee's service or to impose a disciplinary penalty. Otherwise, appeals against their deficiencies need not be preceded by complaints.

4- Legal Effects of Grievance Complaints

Administrative complaints has two important effects: enabling the administration to reconsider the decision on the one hand, and ending the deadline on the other hand:

i- Enabling the administrative body to reconsider the decision:

The administrative complaint shall enable the competent authority to reconsider the decision subject to the complaint, even if this decision is appealed to the judiciary. The administrative authority may withdraw, cancel or amend the decision, but it is noted that if the complaint would lead the administration to reconsider the decision, the complaint issuer still should consider obeying the decision until the management sees otherwise. This could be different in other comparative legal systems, where administrative grievance under the German legal system, for example, in many cases, can halt the implementation of the decision even if the administration begins to implement it.

ii- Cancellation of timeout deadline:

A response has to be made for the complaint within 60 days of submitting it. If the complaint was disapproved a reason has to be given. If 60 days has passed without receiving a response on the complaint it is considered disapproved. The period of appeal shall be sixty days from the date of expiry of the said sixty days. An explicit refusal is to issue an explicit decision rejecting the complaint within the sixty days following its filing. The reason for the interruption shall expire from the date of notification of the rejection of the complaint. The implicit compliant rejection is the passing of sixty days on the submission of the complaint without being answered by the competent authority, and the reason for the interruption ends and the date of the judicial appeal cancellation from the day after the expiration of the sixty days after the submission of the grievance, and if the case is filed after this period. If the lawsuit is filed after this period, it is inadmissible.

In addition to the above, there is an important legal impact resulting from the complaint approved by the jurisprudence, which is related to the proof of the certainty of the decision in question before the administrative judiciary, the submission of the complaint to the concerned department proves the knowledge of the concerned decision of the claim in question from the date of filing his complaint.

5- Proof of Administrative Grievance Complaint

The complainant has to prove the submission of the complaint, and therefore does not count as saying by the plaintiff: it is a complaint in the legal time, as long as the date of the grievance is unknown, and cannot guide him or provide evidence, and the plaintiff can prove that he filed the grievance in all the methods of evidence adopted by the administrative judiciary. This is especially the submission of the grievance complaints book.

Board of Grievances

It is an independent judiciary body in the Kingdom of Saudi Arabia, which is directly linked to the King. It has 16 administrative courts distributed throughout the Kingdom. It seeks to establish justice, fairness and effective judicial control over administrative actions through the cases before him, to ensure the proper application of the established regulations and regulations and to enable the right holder to have the means of appeal. The functions and functions of the Board of Grievances were defined by Royal Decree No. (M / 51) in 1982, and Royal Decree No. (M / 3) in 2014, which provides for the system of proceedings at the Board of Grievances.

The Board of Grievances considers cases to which the Department is a party, but some of these cases may require certain procedures, including administrative complaints, to be submitted to the Board of Grievances complaints. Administrative grievance complaints is a previous procedure for filing an administrative lawsuit, and is intended for the applicant to resort to the administrative body of the defendant to express his requests and objections. This grievance complaint may be compulsory in some lawsuits and optional in other lawsuits.

They are:

1. Job related Rights Claims: Claims in which employees or pensioners claim rights provided for by law.
2. Claims for the abolition of administrative decisions affecting the status of individuals.



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