



UNIVERSITY GRANTS COMMISSION

Commission Circular No.920

20, Ward Place

Colombo 07

February 05, 2010

Vice Chancellors of Universities

Directors of Institutes

Rectors of Campuses

AGREEMENTS AND BONDS TO BE SIGNED BY TEACHERS / OFFICERS/ OTHER EMPLOYEES IN THE UNIVERSITY SYSTEM WHO ARE ON STUDY LEAVE LOCALLY AND ABROAD

Your reference is invited to Commission Circular No: 377 dated 01st August 1998 issued by the Commission in connection with study leave and computation of monetary value of bonds including the obligatory period of service and to subsequent Circulars issued by the Commission.

2. It was noted that Higher Educational Institutions/Institutes are presently applying different types of Agreements and Bonds for teachers who are granted study leave to obtain Master's Degrees and Doctorates for confirmation in the post and promotion to next grade. It is also found that certain Higher Educational Institutions/Institutes find it difficult to implement the Agreements and the Bonds when such teachers and other staff do not honour their obligations and they act in default and thereby depriving Higher Educational Institutions a large sum of monies incurred on them. Yet, no legal action has been initiated to recover these monies due to some lapses in the Agreements/Bonds.

3. The Commission at its 789th meeting held on 12th October 2009 having considered the above mentioned matters and the huge expenditure incurred to train the teaching and other staff in the University System, decided to retain them in service by strengthening rules and regulations presently in force with regard to the Agreements and the Bonds which are signed by teachers and others in order to obtain study leave for the purpose of obtaining postgraduate/other qualifications.

4. Accordingly, the following **Agreements and the Bonds** were prepared by the Commission for implementation in the University System when Higher Educational Institutions grant study leave **with pay** or **with no-pay** to its academic staff to obtain postgraduate qualifications;

(i) Format of Agreement to be signed by Teachers/Officers/Other Employees proceeding on full-pay study leave - **Annexe I**

(ii) Format of Agreement to be signed by Teachers/Officers/Other Employees proceeding on no-pay study leave - **Annexe II**

(iii) Format of Bond to be executed by Teachers/Officers/Other Employees proceeding on full-pay or no-pay study leave - **Annexe III**

5. Higher Educational Institutions/Institutes are strictly advised to comply with the following guide-lines when study leave is granted to academic staff/administrative staff/other employees. (Hereinafter sometimes referred to as the teacher/trainee concerned)

(i) *The Parties concerned should sign the relevant Agreement and the Bond in the presence of all parties concerned before leaving on study leave.*

(ii) *All alterations to the Agreement/Bond to be ratified by the signatories*

(iii) *Original copies of the Agreement and the Bond should be kept under custody of the Registrar of the University. Copies duly certified by the Registrar and the Attorneys-at-Law of both parties should be filed in the personal file of the teacher/trainee concerned.*

- (ix) *It is indispensable for the Higher Educational Institution/Institute to verify and ensure that the particulars given by the sureties are genuine and correct and also inform the parties about relevant circulars which are applicable; and if they need any particulars, such details may also be made available to them for inspection*
- (x) *All requirements which should be fulfilled by the Lecturer/Trainee concerned should be included in the Agreement and Bond and the Agreement and the Bond should be signed before Attorneys-at-Law who represent the parties.*
- (xi) *Higher Educational Institutions/Institutes should take action to enforce the provisions of the Agreements/Bonds if the parties concerned fail to discharge the undertakings given by them, and legal action should be initiated immediately to recover the bonded amount if negotiation for reaching settlement within a reasonable time-frame, is unsuccessful.*
- (xii) *Higher Educational Institutions/Institutes are strongly advised to obtain written approval of the UGC before deviating from any instruction given in this circular.*

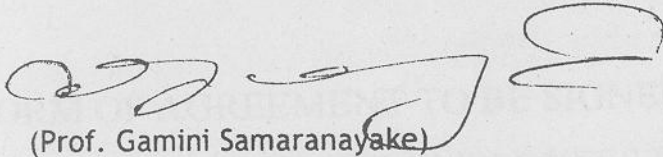
6. Higher Educational Institutions/Institutes should take into consideration the provisions in Commission Circulars No: 377 of 01.08.1998 and No: 907 of 09.03.2009 in calculating the value of bond as specified therein. Any doubt relating to the calculation of the total value of bond and of the clauses of new Agreement/Bond should be immediately notified to the Secretary/UGC for clarification.

7. Provisions of Commission Circulars presently applicable with regard to granting of study leave and determination of the value of bond including the obligatory period of service will continue to be applicable subject to the above conditions.

- (iv) *A certified photocopy of both Agreement and Bond should be given to the Lecturers/Trainees concerned and obtain their signatures to the effect that copies of Agreement and the Bond were handed over to the parties concerned.*
- (v) *It is necessary for Higher Educational Institution/Institute concerned, to obtain documentary evidence in order to ascertain itself the status of sureties and such sureties should be acceptable to the University. It should be ensured that such sureties should be able to fulfill their legal obligations, in case, the principal debtor defaults the conditions in the Agreement and Bond.*
- (vi) *The maximum number of sureties who can sign a Bond on behalf of the principle debtor (Lecturer/Trainee concerned) should be limited to six(6) depending on the bond value and the total annual income of such sureties should be equal to one fourth or more than one forth of the total value of the bond which is signed by Lecturer/Trainee concerned. However, sureties who have presently entered into a bond can be considered as a surety only after discharging his obligations from the previous bond*
- (vii) *It is essential for the Higher Educational Institution to take necessary care at all time and endeavor to prepare the Agreement and the Bond including all relevant particulars and such particulars should be made available for information of the relevant party.*
- (viii) *Action should be taken immediately to inform the teacher/trainee concerned in writing that if any revision of salary is made during the period of leave, such increase of salary would be considered as a part of the bonded amount, as if it was originally included in the Agreement and Bond.*

8. The new Agreements and the Bond attached herewith will be implemented with effect from 15th February 2010.

9. Please take action accordingly.



(Prof. Gamini Samaranayake)

Chairman

Copies to :

1. Chairman's Office/UGC
2. Vice Chairman/UGC
3. Members of the UGC
4. Secretary/UGC
5. Deans of Faculties
6. Registrars of Universities
7. Financial Controller/UGC
8. Bursars of Universities
9. Librarians /SAL/AL of the HEII
10. Deputy Registrars/Snr. Asst. Registrars/Asst. Registrars of Campuses/Institutes
11. Deputy Bursars/Snr. Asst. Bursars/Asst. Bursars of Campuses/Institutes
12. Chief Internal Auditor/UGC
13. Govt. Audit Superintendents of Universities
14. Snr. Asst. Int. Auditors/Asst. Int. Auditors of HEII
15. Secretaries of Trade Unions
16. Auditor-General

File No. UGC/HR/4/8/33

File No. UGC/L/3