



KENTUCKY STATE UNIVERSITY POLICIES AND PROCEDURES

5.2.7 GRIEVANCE POLICY

1. Policy

It is the intention of the University to deal fairly with all employees. In the normal course of working together on a day-to-day basis, problems in connection with the working relationship can be expected to arise. In most cases, the problem can, and should be, resolved at the first level of supervision. However, when a mutually satisfactory solution cannot be worked out at the first level, the staff employee should be given an opportunity to appeal the decision without fear of prejudice.

80.1.1 The procedure outlined herein is designed to provide a method of dealing with staff employee grievances in a prompt and equitable manner without placing an unreasonable burden on the University's resources and Human Resources. The proceedings are informal in nature, Procedural due process in this context does not require many of the features of the formal judicial proceedings employed by the courts of law, such as public hearing, representation by counsel, cross-examination of witnesses, warning as to self-incrimination, compulsory production of witnesses, and adherence to rules of evidence. Thus, emphasis is placed on a method of getting at the facts, assuring that they are reported accurately to the proper authority, and providing a decision which is fair to all concerned.

80.1.2 Only regular full-time and part-time employees, who have successfully completed the new employee's probation is eligible for the provisions of this policy [While employees are strongly encouraged to pursue the grievance procedure when problems occur in the employment relationship, employees are advised that they have the option to file a complaint with the local Equal Employment Opportunity Commission whenever it is believed that discrimination has occurred on the basis of race, color, sex, religion, national origin, age, disability, marital status, or veteran status.].

80.2 Procedure

80.2.1 Stage|

80.2.1.1 The aggrieved staff employee shall state the complaint to the immediate supervisor within sixty (60) days of the act aggrieved of, if such act is of a continuing nature.

80.2.1.1.1 In the event the aggrieved staff employee states the complaint after the sixty (60) day time limit has expired, the immediate supervisor shall notify the Human

Resources Director, who shall determine whether such extenuating circumstances exist as to warrant receipt of the complaint beyond the normal time limit. The Human Resources Director, outlined in Stage II, the staff employee may appeal to the Human Resources Director.

80.2.3.2 The appeal shall be made within three (3) working days after receiving the decision, or if no decision is received after expiration of the time allowance of the Department Head, Dean, or Director as stated in Stagell.

80.2.3.3 The Human Resources Director may request that the appeal be stated in writing, including the remedy requested to resolve the grievance. The staff employee shall be obligated to comply with this request.

80.2.3.4 The Human Resources Director, or designated representative, shall investigate the appeal, and shall forward a recommendation for disposition to the appropriate Vice President or Administrative Officer of operational jurisdiction within five (5) working days after receipt of the appeal.

80.2.3.5 The Vice President or Administrative Officer shall render a decision in writing, with a copy to the staff employee, within five (5) working days after receipt of the recommendation of the Human Resources Director.

80.2.3.6 A copy of the decision of the Vice President or Administrative Officer shall be forwarded to the University's Human Resources Office.

80.2.4 Stage IV

80.2.4.1 If the aggrieved staff employee is not satisfied with the decision of the Vice President or Administrative Officer, and if the grievance is one of the following:

80.2.4.1.1 A charge of unfair employment termination.

80.2.4.1.2 A charge of a discriminatory act in violation of stated University fair employment rules and regulations.

80.2.4.1.3 A charge of violation of basic University Human Resources policies. The staff employee may, during the next five (5) working days request a formal hearing before a Grievance Hearing Committee in accordance with the procedures outlined

herein.

80.2.4.2 A Grievance Hearing Committee shall consist of a Hearing Officer and three (3) impartial members who are employed by the University in units outside the department of the grievant to be appointed by the President. The Hearing Officer and members of the Committee shall investigate the grievance, accumulate and study the facts in the case, and conduct necessary hearings.

80.2.4.3.8 A copy of the Committee's report of findings and recommendations, together with a copy of the President's final decision, shall be forwarded to the University's Human Resources Office.

80.3 Operational Information

80.3.1 The Human Resources Director shall be available to render such assistance as may be necessary or requested by all parties involved in the grievance process to aid in the prompt settlement of the grievance.

80.3.2 All formal hearings held by a Grievance Hearing Committee shall be electronically recorded to ensure that the facts presented are recallable accurately during the Committee's deliberation. Such records are maintained solely for the University's use and benefit and shall be confidential and remain the property of the University.

80.3.3 Any decision which is not appealed by the aggrieved staff employee within the time allowance given at each stage of the procedure shall be construed to indicate the alleged grievance does not warrant further consideration. However, extenuating circumstances such as a substantiated illness or accident may be grounds for waiving the stated time allowance in the interest of ensuring the staff employee an opportunity to present the complaint. Of Rights Under FERPA for Postsecondary Institutions: The Family Educational Rights and Privacy Act affords students certain rights with respect to their education records. All KSU students are informed of their FERPA rights each year during the fall term through an email notification sent to their official KSU email address. Each student's FERPA rights are:

(1) The right to inspect and review the student's education records within 45 days of the day the University receives a request for access. Students should submit to the registrar, dean, head of the academic department, or other appropriate official, written requests that identify the record(s) they wish to inspect. The University

official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the University official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

(2) The right to request the amendment of the student's education records that the student believes are inaccurate or misleading.

Students may ask the University to amend a record that they believe is inaccurate or misleading. They should write the University official responsible for the record, clearly identify the part of the record they want changed and specify why it is inaccurate or misleading.

If the University decides not to amend the record as requested by the student, the University will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

(3) The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the University has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Regents; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate education interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the University discloses education records without consent to officials of another school in which a student seeks or intends to enroll.

(4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202-8520.

4. Procedures for Challenge: A student who believes that any record maintained by the University pertaining directly to that student is inaccurate, misleading, or otherwise violate of the right of privacy of the student as provided by Title IV of Pub. L. 90-247, as amended, and Publ. L. 93-380 as amended by Senate Joint Resolution 40 (1974) may request a hearing before a panel of three persons appointed by the President of the University. The panel may direct that appropriate action be taken to correct, explain, or expunge the record(s) challenged.

Request for hearings should be addressed to the Office of University General Counsel, Kentucky State University, ASB, Room 539, 400 East Main Street, Frankfort, KY 40601.

Student Right-To-Know Act (Pub. L. 101-542)

Section 103 of the Student Right-To-Know and Campus Security Act of 1990 (Public Law 101-542) as amended by the Higher Education Technical Amendments of 1991 (Public Law 102-26) requires public disclosure of relevant graduation rate information for students enrolled in colleges and universities receiving federal financial assistance annually beginning July 1, 1993. Graduation rate information is published each year on the University's website or may be obtained upon request from the Office of the Provost and Vice President for Academic Affairs, Hathaway Hall, Room 424, 400 East Main Street, Frankfort, KY 40601

2. Entities Affected

- Academic Affairs

3. Policy Owner/Interpreting Authority

Provost/Vice President for Academic Affairs

4. Related Policies

5. Statutory or Regulatory References