



KENTUCKY STATE UNIVERSITY POLICIES AND PROCEDURES

POLICY TITLE:

Employee Grievance Policy

VOLUME, SECTION & NUMBER:**ENTITIES AFFECTED:**

Staff

ADMINISTRATIVE AUTHORITY:

Office of Human Resources

APPROVED BY:

Office of the President

EFFECTIVE DATE:

July 8, 2024

REVISED FROM:

2013 Human Resources Policy Manual

POLICY STATEMENT:

Kentucky State University (KSU) strives to deal fairly with employees and create a great working environment for all. During the normal course of work, though, problems between employees will inevitably arise from time to time. In most instances, issues between co-workers can, and shall be, resolved at the first level of supervision. However, when a mutually satisfactory solution cannot be worked out at the first level of supervision, the employee shall be given an opportunity to appeal a decision without fear of prejudice or retribution.

The procedure outlined in this policy is designed to provide a method of dealing with employee grievances in a prompt and equitable manner without placing an unreasonable burden on KSU's resources and KSU's Office of Human Resources (HR). The proceedings are informal in nature; therefore, procedural due process in this context does not require many of the features of the formal judicial proceedings employed by courts of law, such as public hearings, representation by counsel, cross-examination of witnesses, warnings as to self-incrimination, compulsory production of witnesses, and adherence to the rules of evidence. Accordingly, emphasis is placed on a method of getting directly to the facts, assuring that such facts are reported accurately to the proper authority, and providing a decision that is fair to all concerned parties.

APPLICATION:

Only regular full-time and part-time employees who have successfully completed their introductory periods are eligible for the provisions of this policy.

The procedures included in this policy may be used to:

- Address an appropriate work-related problem or issue if an informal attempt to resolve said issue or problem at the first level of supervision fails; or
- Address a complaint that a decision adversely affecting an employee's status of employment or condition of employment was improperly reached in one or more of the following circumstances:
 - The decision violates KSU policies or procedures; or
 - KSU policies or procedures have been inconsistently applied

The procedures included in this policy may not be used to:

- Address an employee's dissatisfaction with KSU policies on the grounds that they are unfair, inadvisable, or inappropriate;
- Appeal performance evaluations or other matters KSU determines results from administrative discretion;
- Address actions taken by individuals not employed by KSU;
- Address situations over which the President lacks authority to remedy; or
- Address dissatisfaction with the grievance policy or the actions of others participating in the grievance process

PROCESS:

Stage 1

- The grievant shall fill out the HR grievance form and file it with his or her immediate supervisor within 15 calendar days following the date of the action or the grievant's awareness, through the exercise of due diligence, of the action. The grievance form must contain the corrective action the grievant desires. If the grievant wishes to submit additional information or documentation, he or she must attach it to the grievance form. If the action or conduct of the first level supervisor is the basis for the grievance, the grievant may file the form directly with HR.
- NOTE: If an employee believes he or she has been discriminated against on the basis of a protected class, or has been adversely affected through a Title IX violation, he or she should report the complaint directly to HR.

- The supervisor shall notify HR of the written grievance within five (5) calendar days of receipt. The supervisor shall respond to the grievant in writing within ten (10) calendar days of receipt of the grievance. The supervisor's written answer and any supporting documentation shall be provided to HR immediately following delivery to the grievant.
- NOTE: If a supervisor receives a grievance detailing discrimination or a Title IX violation, he or she must immediately report the grievance to HR.

Stage 2

- If the grievant is dissatisfied with the supervisor's response, he or she may appeal the grievance to HR.
- The grievant's appeal must consist of:
 - The original grievance form;
 - The supervisor's written response; and
 - A written statement as to why the grievant is dissatisfied with the supervisor's response
- The appeal must be submitted within five (5) calendar days of the grievant's receipt of the supervisor's response. A failure to timely submit a complete appeal will constitute a waiver of the grievant's right to appeal.
- The Director of HR will review the grievance as submitted and determine if the matter should be forwarded to an HR investigator, Academic Affairs, or resolved through another appropriate avenue.
- The investigator shall investigate the matter, as appropriate, and then forward a recommendation for disposition to the Director of HR.
- The Director of HR shall then notify the grievant and other relevant parties, in writing, of the outcome of the grievance. Such notice shall be sent within five (5) calendar days of the investigator's recommendation.

Stage 3

- If the grievant is dissatisfied with the outcome promulgated by HR, he or she may request a hearing before a Grievance Hearing Committee if the grievance resulted from:
 - A charge of termination in alleged violation of HR policies; or
 - A charge of discriminatory acts in violation of HR policies
- The grievant must request a hearing in writing within five (5) calendar days of his or her receipt of HR's outcome. The request must be sent to the President, in writing, and must specifically state the nature of the grievance and why a hearing is necessary.
- The President shall determine whether a hearing is warranted and notify the grievant within five (5) calendar days of his or her receipt of the written request. If the President determines that a hearing is warranted, he or she must appoint members to an ad hoc Grievance Hearing Committee and notify the grievant of the appointments in his or her determination letter.

- The Grievance Hearing Committee shall consist of a non-voting Hearing Office and three (3) impartial members who are employed by KSU in units outside the department in which the grievant works.
- Within 10 business days of the President's determination letter, the Grievance Hearing Committee shall conduct the hearing.
- At any scheduled hearing the grievant may be represented by a spokesperson. In advance of the hearing, the grievant or spokesperson shall submit to the Hearing Officer the names of any individuals to be called on behalf of said grievant. The Hearing Officer, in advance of the hearing, shall furnish to the grievant or spokesperson the names of any individuals the Grievance Hearing Committee intends to call for testimony at the hearing.
- At the hearing, only the members of the Grievance Hearing Committee shall be permitted to ask questions of any individual appearing before the Committee. In the event the grievant or spokesperson desires specific information be elicited from a particular individual, questions to be asked shall be submitted to the Hearing Officer, who shall ask questions at his or her discretion.
- Upon reviewing the Grievance Hearing Committee's recommendation, as communicated by the Hearing Officer in writing, the President shall render a final decision, which shall be communicated in writing to the grievant, his or her immediate supervisor, and the Director of HR.
- 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 for filing purposes.

RELATED POLICIES:

Discrimination and Harassment Policy
