MURRAY STATE UNIVERSITY

OFFICE OF EQUAL OPPORTUNITY

Grievance Procedures

Revised 5/14/94

Murray State University commits itself to investigating and determining all claims or allegations of discrimination in the operation and administration of its programs, services and employment practices.

Step One does not envisage a formal hearing. The formal hearing is reserved for Step Two. Consequently, the parties will not necessarily be present in all stages in the process of gathering evidence.

1. Step One

a. Any member of the University community adversely affected by a discriminatory act by an employee of Murray State University may complain. The aggrieved party must state his/her complaint in writing. The complaint shall state the nature of the discrimination, the facts upon which the complaint is based, and the relief demanded.
b. The complaint shall be filed with the University's Office of Equal Opportunity within 180 calendar days * after the alleged act(s).
c. The charged party(ies) may submit a written statement addressing the complaint to the Office of Equal Opportunity within 20 calendar days.* Three (3) days shall be added to the 20 days if the complaint is mailed. The Director of Equal Opportunity may extend the time for good cause showing.** If a written statement answering the charge is submitted, the Director of Equal Opportunity shall promptly send a copy to the aggrieved party.
d. The University's General Counsel Office will be promptly apprised of copies of documents pursuant to "a" through "c" above.
e. The Director of Equal Opportunity will promptly meet with the aggrieved party to gather investigatory information.
f. The Director of Equal Opportunity will promptly meet with the charged party(ies) to gather investigatory information.
g. The investigation will continue. The Director of Equal Opportunity may discuss this complaint with whomever it is necessary. Members of the University community will cooperate in the investigation. All relevant files not privileged will be available to the Director of Equal Opportunity.
h. A meeting will be held with both parties in an attempt to resolve the complaint in an informal manner.
i. If the complaint was not resolved in the meeting, the Director of Equal Opportunity will make a formal, written decision within 30 calendar days.* The President may extend the time for good cause showing.** The formal decision may include corrective action which the Director of Equal Opportunity believes to be necessary and justified by the complaint.
j. The decision shall be forwarded to the President of the University and to all interested parties.

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2. Step Two

Either party adversely affected by the decision of the Director of Equal Opportunity shall have the right to an appeal. The appeal shall be filed with the Office of Equal Opportunity. The appeal shall be heard by a hearing body composed of three (3) members of the University community appointed by the President. The chair of the committee shall be designated by the President. The President shall appoint a committee within fourteen (14) calendar days* after receipt of the appeal. The President may extend the time for good cause showing.**

The committee shall develop its rules of procedure which will include as a minimum the following rights:

a. Any hearing at this stage will be de novo.
b. The appellant has thirty (30) calendar days* to appeal the written decision. The appellant shall set forth the grounds for the appeal in writing. Three (3) days shall be added to the thirty (30) days if the Director of Equal Opportunity mails the decision. The President may extend the time for good cause showing.**

If the person adversely affected by the Director of Equal Opportunity's decision allows the time limit to elapse, the decision shall be final.

c. The person charged shall submit a written response to the Office of Equal Opportunity within twenty (20) calendar days* after the charge is mailed to him/her. The chair of the committee may extend the time for good cause showing.**
d. Each party shall have the right to be represented by counsel.
e. Each party shall have the right to produce witnesses and to cross-examine witnesses presented against them.
f. As a general practice, the committee will not be obligated to conform to technical rules of evidence.
g. The burden of proof shall be on the appellant.
h. A record of the proceedings shall be retained by electronic and/or stenographic recording.
i. The decision shall include a brief statement of the factual situation, the question presented, and the decision of the hearing body.
j. The rules of procedure which may be developed by the hearing body shall be consistent with due process under the circumstances of the case.

The decision of the hearing body shall be in the form of a recommendation to the President of the University. The President shall act upon the recommendation within thirty (30) calendar days.* The President may extend the time for good cause showing.** The decision of the President shall be made a part of the record. However, should the President believe it is necessary to request additional information this may be done in whatever form the President seeks to adopt. For example, the President may give specific instructions to or ask specific questions of the hearing body or the Director of Equal Opportunity. These examples are not intended to be all inclusive.

The decision of the President shall be final save and except as an appeal to the Board of Regents may be mandated by law.

This grievance procedure is designed for complaints with respect to discrimination and affirmative action. This procedure shall supersede any other grievance mechanism now having jurisdiction over discrimination and affirmative action, save and except as the question of discrimination and affirmative action may constitute a part, but only a part, of grievances or complaints filed before other hearing bodies within the University. In these latter cases, the proceedings before the hearing body shall be suspended until matters of discrimination and affirmative action have been decided in accordance with the procedure mandated by this statement.

This grievance procedure shall not be used for student versus student, non-employment relationships. A student versus student, non-employment grievance will be handled by other established mechanisms.

If the Director of Equal Opportunity is the person complained against, the President of the University will designate an individual to perform that director's function as set out in Section XV of the Affirmative Action Plan. If the complaint is against the President, the Chairman of the Board of Regents will designate an individual to perform the function accorded to the President under Section XV of the Affirmative Action Plan.

Retaliation against any individual making a complaint, inquiry, or report of a known violation under this policy is expressly prohibited.

* The last day of the period so computed is to be included, unless it is a Saturday, a Sunday or a Murray State University holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday or a Murray State University holiday.

** Good cause showing shall include but not be limited to such things as illness, death within the family, absence from the University or the Commonwealth, and any other circumstances which will constitute undue hardship upon that person who may want to respond or who is required to respond.

Approved by the Board of Regents
May 14, 1994