

Ombudspersons and Grievance Procedure

K-State Research and Extension provides to its employees both an informal and a formal process for dealing with employment-related issues and concerns. Following is an overview of that process.

Informal Grievance Procedure

The following informal grievance procedure is available for Extension Agents. State and Area faculty with K-State Research and Extension appointments may utilize either this informal grievance procedure or the informal procedures outlined in the [Kansas State University Faculty Handbook](#).

A. Direct Communication with Immediate Supervisor.

Whenever an employee has employment-related concerns, a logical and appropriate starting point is the immediate supervisor. Frequently, it is this individual who can make adjustments, implement new procedures and otherwise address the working conditions in such a way as to provide a secure, healthy and productive work environment.

B. Direct Communication with the Director or Associate Directors.

If contact with an immediate supervisor in regard to a specific issue causes concern, or if after visiting with the supervisor the issue remains unresolved, employees may feel free to communicate with the Director or Associate Directors.

C. Ombudspersons.

Twelve individuals have been identified and trained to serve as Ombudspersons for concerns or suggestions identified by K-State Research and Extension faculty. These peer employees offer a non-supervisory channel for consultation/ discussion to try to get resolution of an issue or adoption of a suggestion. Anonymity and confidentiality will be maintained through this informal approach.

The Ombudspersons role is to listen, help people identify underlying issues, suggest sources of assistance, suggest alternative courses of action, and if necessary, outline the formal grievance process. The Ombudspersons role is to facilitate, not to mediate. With written permission of the grievant, the Ombudsperson may also contact the appropriate administrator(s).

Acting as an Ombudsperson shall be considered a service to K-State Research and Extension and shall be part of the Ombudsperson's professional responsibility during the term of the appointment. Ombudspersons are appointed by the Director of K-State Research and Extension for a four year term. Nominations are sought from administrators and peers.

D. Affirmative Action Office.

Faculty who have concerns related to sexual harassment or racial/ethnic harassment are urged to seek advice from the University Affirmative Action Office. Faculty with concerns related to discrimination on the basis of race, religion, national origin, sex, age, or disability are encouraged to consult with the University Affirmative Action Office or the Extension EEO Counselor.

Formal Grievance Procedure

State and Area faculty members are to utilize the formal process outlined in the [Kansas State University Faculty Handbook](#). The following formal grievance procedure is available for Extension Agents and offers a process similar to that found in the Faculty Handbook.

Communication is recommended with the immediate supervisor(s), i.e. Board Chair and Area Extension Director, or with an Ombudsperson as a starting point. Hopefully, resolution can be attained through the informal process.

A. Extension Agent Grievance Committee.

An Extension Agent Grievance Committee will provide peer review of grievances of Extension Agents. The Leader of Extension Operations will provide guidance to the Extension Agent Grievance Committee.

The Extension Agent Grievance Committee will be chosen by the Kansas Extension Agents Association in a random drawing of all Extension agents who have a minimum of two years tenure in their current county or district of employment. The committee will have 20 members comprised of a minimum of five women and five men. Each Extension administrative area will be represented by at least two agents. The group will select their own chair.

The function of the Grievance Committee shall be to (1) hear all evidence pertinent to the grievance; (2) make findings of fact; (3) decide whether the charges or allegations which constitute the grievance have been sustained by the evidence presented; and (4) recommend the specific course of action which should be taken.

Each grievance shall be heard by a hearing panel composed of four members and a presiding officer, appointed by the chairperson from members of the Extension Agent Grievance Committee. The presiding officer shall vote only to break a tie vote of the hearing panel.

B. Ombudspersons.

The grievant may want to contact an ombudsperson who shall have the duties of (1) providing information about the grievance process, and (2) guiding a grievant through the initial problem definition.

C. Administrative Appeals.

Prior to filing a formal grievance, the Extension Agent shall present the complaint in writing to the Extension Council Executive Board and administrator(s) whose sphere(s) of authority include(s) the circumstances which gave rise to the complaint. Within ten (10) working days, the latter shall investigate and provide the Extension Agent with a written response.

D. Jurisdiction.

The jurisdiction of the Grievance Committee shall extend to charges or allegations (hereafter referred to as grievances) arising out of action on the part of one or both employers or for which employer's action could provide a remedy, provided that all administrative remedies have been exhausted.

1. Nature of grievances: Grievances may arise out of decisions concerning promotion, salary, working conditions, discrimination, and matters related to the employment of an Extension Agent. In cases of dismissal or non-renewal of contract the procedure in the agent employment agreement would take precedence.

2. Eligibility: A grievance may be filed by current and former Extension Agents and must be submitted within one year of the incident(s) of the administrative action/inaction at issue.

3. Grounds: Grounds for a grievance shall include, but shall not be limited to, (1) a violation or misapplication of the written rules, regulations or established practices governing K-State Research and Extension; (2) improper, arbitrary, or capricious action of K-State Research and Extension; and (3) discrimination.

E. Confidentiality.

The hearing shall be closed, unless the grievant requests it to be open. Deliberations of the panel shall be in closed session. Unless the grievant requests an open hearing, all proceedings of the panel shall be confidential, including the identity of the parties and the specific elements of the grievance.

F. Legal Advice for the Committee.

At the appointment of the Grievance Committee, the University Attorney, at the request of the chair, shall provide information about the role of the members of the hearing panel in the grievance proceeding, including the requirements of due process, the mechanics of fact-finding, judicial review, and liability of grievance committee members. If other legal counsel is necessary, the University Attorney's office will assist the committee in locating legal counsel.

G. Procedure.

The grievant shall have the right to a hearing within thirty-five (35) work days after submission of the grievance, provided that the extensions may be granted by the chair for a cause and within a specified period of time consistent with other provisions of this document.

1. The grievance process shall be initiated by a written request, submitted by the grievant to the chair, with a detailed statement of the grievance, which shall include (1) an account of the alleged administrative action/inaction which gave rise to the grievance; (2) the names(s) of the administrator(s) and/or Executive Board members; (3) the precise grounds upon which the grievance is based; and (4) the nature of the relief sought. The chair shall determine whether the grievance falls within the jurisdiction of the grievance committee and if the materials presented by the grievant meet adequate standards of detail and clarity.

2. Within five (5) work days from the acceptance of the grievance by the chair, the chair shall give to both parties written notification of same, including a copy of the grievance and within ten (10) work days following such notification, the administrator(s) shall submit to the chair, with copies for the other party: (1) a written response to the allegations contained in the grievance; (2) all documents to be introduced; and (3) a list of witnesses to be called. Likewise, within ten (10) days from the notification, the grievant shall submit to the chair, with copies for the other party: (1) all documents to be introduced; (2) a list of witnesses to be called. The chair will then provide notification of the date, time, and place of the hearing. In no more than thirty-five (35) work days from the acceptance of the grievance by the chair, the hearing shall begin.

3. At the hearing, each party may be accompanied by one (1) representative, who is not an attorney, to serve as an advocate and/or assist in the presentation, and/or (2) an attorney, who may advise, but not participate in the proceedings.

4. An audio recording shall be made of the hearing. The Presiding Officer shall call the meeting to order, state the grievance, and review the rules. Because the hearing is a peer review, the panel shall not be bound by strict legal rules of evidence; it may admit any evidence it considers pertinent to the grievance, and may exclude evidence it considers not pertinent.

a. The grievant shall make an opening statement.

b. The administrator(s)/Executive Board shall make an opening statement.

c. The grievant shall present evidence, which may include testimony by supporting witness, documents, and/or other relevant material. The administrator(s)/Executive Board may (1) cross-examine each witness following the testimony and (2) object to any testimony on grounds it is not relevant.

d. The administrator(s)/Executive Board shall present evidence, which may include testimony by supporting witnesses, documents, and/or other relevant material. The grievant may (1) cross-examine each witness following the testimony and (2) object to any testimony on grounds it is not relevant.

- e. The grievant and the administrator(s)/Executive Board, in that order, may present evidence in rebuttal after the presentations of both parties.
- f. Witnesses shall be not be present at the hearing until called to testify and then shall be excused, unless either party or the grievance committee requests that they remain available.
- g. The administrator(s)/Executive Board and the grievant, in that order, may make a closing statement.
- h. Members of the panel may question the parties and/or witnesses. The Presiding Officer after consultation with the panel may request the production of other relevant information.

H. Decision.

The report of the panel shall be based only upon the testimony and other evidence presented at the hearing. Both parties shall bear the burden of demonstrating, by clear and convincing evidence, the resolutions they are seeking. The report of the panel shall include (1) an evaluation of the evidence and findings of fact, (2) a description of the recommended specific relief or course of action that should be taken, and (3) the reasons supporting the decision. The panel shall have discretion to recommend that the relief sought should be granted, denied, or that some other form of resolution should be employed. Three of the five committee members must concur with the recommendations made.

I. Recommendation.

Within 21 working days after the completion of the hearing, the Presiding Officer shall present the report to the chair, who shall within the following five calendar days, send copies to (1) the Director of K-State Research and Extension, (2) the Extension Council Executive Board, (3) both parties, and (4) the president of the University. Within 21 calendar days after receiving the report, the Director of K-State Research and Extension shall respond to the recommendations of the Grievance Committee. Copies of the response and notification of subsequent actions taken should be sent to the chair of the Grievance Committee and the parties of the grievance. The complete record, including all evidence presented, shall be retained in the files of the Director of K-State Research and Extension.

If the Director of K-State Research and Extension is a party in the grievance, the President of Kansas State University or his designee shall receive the report and make the response.