

1.04 - GRIEVANCE PROCEDURES FOR FACULTY, STAFF, AND STUDENTS

Effective: XXXXX, 2026

Purpose: The purpose of this policy is to establish the process for receiving, assessing, routing, and resolving complaints alleging discrimination, discriminatory harassment, retaliation, or failure to provide reasonable accommodation under Policy 1.01, Discrimination and Harassment Prevention, except where a more specific University policy or procedure applies.

Scope: This policy applies to complaints made by or against faculty, staff, students, applicants for employment or admission, contractors, vendors, volunteers, visitors, guests, and participants in University programs or activities, to the extent the matter falls within the University's authority.

This policy applies to complaints alleging discrimination, discriminatory harassment, retaliation, or failure to provide reasonable accommodation based on a protected status as defined in Policy 1.01.

Complaints involving Title IX sex discrimination, Title IX sexual harassment, Title IX retaliation, sexual violence, sexual misconduct, pregnancy or related conditions, or other sex-based concerns shall be referred to the Title IX Coordinator for intake and assessment. Matters that fall within Policy 1.03, Title IX Sexual Harassment, Discrimination, and Retaliation for Employees, Students, and Visitors, shall be addressed under that policy and its procedures. Matters that do not fall within Policy 1.03 but may violate Policy 1.01, this policy, or another University policy may be addressed under this policy, another applicable grievance procedure, or another appropriate University process.

This policy does not replace or supersede other University procedures that govern matters such as student conduct, faculty grievances, staff grievances, academic appeals, disability accommodations, grade appeals, employee discipline, tenure and promotion, or other subject-specific processes, unless the complaint alleges discrimination, discriminatory harassment, retaliation, or failure to provide reasonable accommodation within the scope of Policy 1.01.

Responsible Office: Human Resources; Academic Affairs; Enrollment Management and Student Success; Title IX Office, as applicable.

The Office of General Counsel may provide legal advice and guidance to the University but is not responsible for administering grievance procedures.

Policy Statement: Emporia State University provides processes for the prompt, fair, and impartial review and resolution of complaints alleging discrimination, discriminatory harassment, retaliation, or failure to provide reasonable accommodation.

The University will assess reports and complaints to determine the appropriate process, responsible office, supportive or interim measures, and whether the matter should be resolved informally, formally investigated, referred to another University office, or addressed through another appropriate action.

The University will not tolerate retaliation against any person who makes a report or complaint, participates or refuses to participate in a grievance process, requests an accommodation, opposes conduct reasonably believed to violate University policy, or exercises rights protected by law or University policy.

This policy shall be interpreted and applied consistently with applicable federal law, Kansas law, Kansas Board of Regents policy, and University policies governing academic freedom and free expression.

Individuals responsible for intake, assessment, investigation, decision-making, appeal review, or informal resolution must be free from actual conflicts of interest and bias for or against complainants or respondents generally or individually. Any identified conflict shall be disclosed and addressed appropriately.

Relationship to Other University Processes

A complaint may involve issues covered by more than one University policy or procedure. The University may determine the appropriate process based on the nature of the allegations, the status of the parties, the location of the conduct, the applicable legal requirements, and the University's authority over the matter.

Complaints filed under this policy shall not be used to duplicate another University grievance, appeal, or review process unless the complaint alleges discrimination, discriminatory harassment, retaliation, or failure to provide reasonable accommodation.

The University may consolidate related matters or address multiple policy issues in one process when appropriate and permitted by law.

Reporting

Any person may report discrimination, discriminatory harassment, retaliation, or other conduct that may violate Policy 1.01 or this policy.

Reports may be made to:

1. The Office of Human Resources;
2. The Title IX Coordinator, for matters involving sex discrimination, sexual harassment, sexual violence, sexual misconduct, pregnancy or related conditions, or Title IX-related concerns;
3. The Office of Student Conduct or other designated student affairs office, for student matters;
4. A supervisor, department chair, dean, director, or other University administrator;

5. University Police, where safety, criminal conduct, or emergency response may be involved; or
6. Any other office designated in an applicable University procedure.

Reports involving an immediate threat to health or safety should be made to University Police or 911.

Employees designated by University policy or procedure as having reporting responsibilities must report covered conduct to the appropriate University office as required by the applicable policy or procedure. Confidential employees, privileged communications, licensed clinical services, legal counsel, and other legally protected communications shall be handled in accordance with applicable law and University policy.

Reports may be submitted anonymously. The University's ability to investigate or take corrective action may be limited when insufficient information is available.

Complaints involving senior administrators, including the President, Provost, Vice Presidents, Title IX Coordinator, Head of Human Resources, or other officials responsible for administering this policy, shall be referred to an alternative administrator, external investigator, the General Counsel, President, or Kansas Board of Regents, as appropriate.

Timeframe for Reporting

Reports may be made at any time. To promote a prompt and effective response, individuals are encouraged to report concerns as soon as possible after the alleged conduct.

A formal complaint under this policy should generally be submitted within 180 calendar days of the alleged conduct, unless good cause exists to extend the timeframe or the alleged conduct involves a continuing pattern of conduct. The University may accept and address complaints submitted outside this timeframe when appropriate.

The passage of time may affect the University's ability to investigate or respond, including the availability of witnesses, documents, electronic records, or other evidence.

This internal reporting provision does not limit a person's right to file a complaint with an external agency or the University's authority to address conduct reported after any internal timeframe.

Initial Assessment and Routing

Upon receiving a report or complaint, the University will conduct an initial assessment to determine the appropriate response. The initial assessment may include consideration of:

1. The nature of the alleged conduct;
2. Whether the alleged conduct, if true, would violate this policy or another University policy;
3. Whether the matter falls within the University's authority;
4. The status of the complainant and respondent;

5. Whether the matter should be referred to the Title IX Coordinator, Human Resources, Academic Affairs, Enrollment Management and Student Success, Student Conduct, University Police, or another office;
6. Whether supportive or interim measures may be appropriate;
7. Whether informal resolution may be appropriate and permitted;
8. Whether a formal investigation is warranted;
9. Whether the matter should be dismissed, closed, or referred because it does not fall within this policy; AND
10. Whether another University process is more appropriate

If a report or complaint is referred to another process, the University will notify the complainant of the referral to the extent appropriate and permitted by law.

Supportive or Interim Measures

The University may provide supportive, interim, or protective measures as appropriate and reasonably available, consistent with applicable law and the procedure governing the matter.

Supportive or interim measures may include, but are not limited to:

1. Academic adjustments;
2. Workplace adjustments;
3. Schedule changes;
4. Housing adjustments;
5. Campus no-contact directives;
6. Safety planning;
7. Counseling or employee assistance referrals;
8. Leave options;
9. Temporary reassignment or changes in supervision;
10. Restrictions on access to certain University locations or activities; OR
11. Other appropriate measures

Supportive or interim measures are not, by themselves, disciplinary determinations. The University may impose emergency or interim restrictions where necessary to protect health, safety, University operations, or the integrity of a University process, consistent with applicable law and policy.

Informal Resolution

Informal resolution may be available when permitted by applicable law and University policy, when the University determines it is appropriate, and when the participating parties voluntarily agree.

Informal resolution may include, but is not limited to:

1. Educational conversations;
2. Facilitated discussions;

3. Mediation, where appropriate;
4. Voluntary agreements;
5. Training or coaching;
6. Workplace or academic adjustments;
7. No-contact arrangements;
8. Corrective measures agreed to by the parties; OR
9. Other mutually acceptable resolutions approved by the University

Informal resolution is not available where prohibited by law or University policy, including in matters where the applicable Title IX procedure prohibits informal resolution.

The University may terminate informal resolution and proceed with another appropriate process at any time before final resolution if the University determines that informal resolution is no longer appropriate.

Participation in informal resolution does not require a complainant to confront or directly communicate with a respondent unless the complainant voluntarily agrees and the University determines the process is appropriate.

Formal Complaint

A formal complaint is a request that the University investigate or otherwise formally resolve alleged conduct that may violate Policy 1.01 or this policy.

A complaint may be submitted in writing or documented by the University based on information provided orally or otherwise. The University may request that the complainant review or verify the written summary of the complaint. Where a specific law or policy requires a particular form of complaint, that requirement shall control.

A formal complaint should include, to the extent known:

1. The name of the complainant;
2. The name of the respondent;
3. A description of the alleged conduct;
4. The date or approximate date of the alleged conduct;
5. The location of the alleged conduct;
6. The protected status or protected activity involved;
7. The names of witnesses, if any;
8. Relevant documents, communications, or other evidence, if any; AND
9. **The resolution or remedy requested, if any**

The University may proceed with an investigation or other appropriate action even if a complainant does not wish to file a formal complaint, when required or permitted by law or when the University determines that action is necessary to address safety, compliance, or institutional concerns.

Notice of Investigation

When the University determines that a formal investigation is appropriate, the University will provide written notice to the complainant and respondent, as appropriate and permitted by law.

The notice should generally include:

1. A summary of the allegations;
2. The policy or policies potentially implicated;
3. The identities of the parties, if known and appropriate to disclose;
4. The office or investigator assigned to the matter;
5. A statement that retaliation is prohibited;
6. Information about available supportive or interim measures;
7. A statement that the parties may provide information, identify witnesses, and submit relevant evidence;
8. The applicable standard of evidence; AND
9. A general description of the process

The University may amend the notice if additional allegations or policy issues are identified during the investigation.

Investigation

Investigations will be conducted in a prompt, fair, and impartial manner. The nature and scope of the investigation may vary depending on the allegations, the parties involved, the availability of evidence, and the applicable policy or procedure.

The University will make reasonable efforts to complete investigations within sixty (60) calendar days of initiating an investigation. Complex matters, concurrent law enforcement investigations, witness availability, academic breaks, or other circumstances may require additional time. The parties will be notified of significant delays.

The investigator may:

1. Interview the complainant, respondent, and witnesses;
2. Request documents, communications, electronic records, photographs, video recordings, or other relevant evidence;
3. Review University records;
4. Provide the parties an opportunity to identify relevant witnesses and evidence;
5. Consult with appropriate University offices;
6. Prepare a written investigative summary or report; AND
7. Take other steps reasonably necessary to gather relevant information

Party Rights and Participation

In grievance processes under this Policy, the complainant and respondent will be afforded a fair opportunity to participate, consistent with applicable law and University procedure.

As applicable and as permitted by the procedure governing the matter, the complainant and respondent may:

1. Review applicable policies and procedures;
2. Present relevant information and evidence;
3. Identify relevant witnesses;
4. Receive notice of meetings or interviews in which their participation is requested;
5. Request reasonable accommodations;
6. Have an advisor, support person, union representative, or attorney present where permitted by applicable law, collective bargaining agreement, employee handbook, or University procedure; AND
7. Receive notice of the outcome as permitted by law, including FERPA, personnel privacy requirements, and other applicable confidentiality or privacy obligations.

Individuals participating in any grievance process may request reasonable accommodations because of disability, pregnancy, language access needs, or religious observance requirements.

The University may place reasonable limits on evidence or information that is irrelevant, duplicative, unduly prejudicial, privileged, confidential by law, or otherwise not appropriate for consideration.

Parties and witnesses are expected to cooperate with University investigations. Employees may be required to participate in investigations as part of their employment responsibilities. Students are expected to participate truthfully and in accordance with applicable student policies.

Standard of Evidence

Unless a different standard is required by controlling law, Kansas Board of Regents policy, or a more specific University policy, the University will use the preponderance of the evidence standard to determine whether this policy was violated.

Preponderance of the evidence means that it is more likely than not that the alleged policy violation occurred.

Determination

After the investigation, the appropriate decision-maker or responsible office will determine whether the evidence establishes a violation of this policy or another applicable University policy.

The determination may include:

1. A finding that the policy was violated;
2. A finding that the policy was not violated;
3. A determination that the evidence is insufficient to make a finding;
4. Referral to another University process;
5. Corrective action;

6. Disciplinary action;
7. Supportive, remedial, or protective measures; OR
8. Other appropriate action

The University will notify the parties of the outcome to the extent appropriate and permitted by law, including FERPA, personnel privacy requirements, and other applicable laws.

Corrective and Disciplinary Action

Individuals who violate this policy may be subject to corrective or disciplinary action, up to and including termination of employment, dismissal from the University, removal from University housing, removal from a University program or activity, exclusion from campus, termination of a contract, or other action permitted by law and University policy.

Corrective action may include training, education, counseling, changes to work or academic arrangements, written warnings, performance management, no-contact directives, restrictions on participation in University programs or activities, or other measures designed to stop prohibited conduct, prevent recurrence, and remedy effects where appropriate.

Discipline will be imposed in accordance with applicable University policies, employment procedures, student conduct procedures, faculty procedures, contracts, handbooks, Kansas Board of Regents policy, and applicable law.

Appeals or Review

Appeal or review rights are available only when provided by the applicable University policy or procedure.

Where an appeal is available under the procedure governing the matter, the procedure shall identify:

1. Who may appeal;
2. The timeframe for submitting an appeal;
3. The permissible grounds for appeal;
4. The appeal decision-maker;
5. The possible outcomes of an appeal; and
6. Whether the appeal decision is final.

Unless otherwise provided by a more specific policy or procedure, disagreement with the outcome alone is not sufficient grounds for appeal.

Privacy

The University will handle reports, complaints, investigations, and related records with appropriate privacy and discretion. Information will be shared only with individuals who have a legitimate need to know, as necessary to assess or respond to the matter, as permitted or required by law, or as necessary to carry out University operations.

The University cannot guarantee complete confidentiality in all circumstances. Requests for confidentiality will be considered in light of the University's legal obligations, safety responsibilities, due process obligations, recordkeeping obligations, and obligation to provide an employment and educational environment free from unlawful discrimination, harassment, and retaliation.

Retaliation Prohibited

Retaliation is prohibited against any person because the person:

1. Made a report or complaint;
2. Participated or refused to participate in an investigation, hearing, grievance process, or other resolution process;
3. Requested an accommodation;
4. Opposed conduct reasonably believed to violate Policy 1.01, this Policy, or another University policy;
5. Assisted another person in exercising rights under University policy;
6. Served as a witness, advisor, investigator, decision-maker, or other participant in a University process; or
7. Exercised rights protected by federal law, Kansas law, Kansas Board of Regents policy, or University policy.

Retaliation may include intimidation, threats, coercion, harassment, adverse employment or academic action, or other materially adverse conduct. Retaliation does not include good-faith actions lawfully pursued in response to a report or complaint, including supportive or interim measures, investigation steps, corrective action, or discipline.

Retaliation may result in corrective or disciplinary action, regardless of whether the underlying report or complaint results in a finding of a policy violation.

False Information and Bad Faith Complaints

The University prohibits knowingly making a materially false statement or knowingly submitting materially false information in connection with a report, complaint, investigation, hearing, grievance process, or other resolution process.

No individual shall be disciplined solely for making a good-faith report or participating in a grievance process, even if the allegations are ultimately not substantiated.

The University may review reports collectively to identify patterns, systemic concerns, organizational climate issues, training needs, or recurring misconduct.

External Reporting

Nothing in this policy limits a person's right to file a complaint with an external agency, including, as applicable, the United States Department of Education Office for Civil Rights, the Equal Employment Opportunity Commission, the Kansas Human Rights Commission, or another federal or state agency with jurisdiction.

University internal timeframes do not extend or shorten external filing deadlines.

Records

The University will maintain records of reports, complaints, investigations, determinations, supportive or interim measures, corrective action, disciplinary action, and other related records in accordance with applicable law, University record retention requirements, and Kansas Board of Regents policy.

Access to records shall be governed by applicable law, including FERPA, personnel privacy requirements, Kansas Open Records Act requirements and exceptions, litigation hold obligations, and other applicable legal requirements.

ADD CONTENT

Definitions: All words and phrases shall be interpreted utilizing their plain meanings unless otherwise defined in another University or Board of Regents policy or by statute or regulation.

Complainant – An individual who is alleged to have experienced conduct that may violate this policy or another applicable University policy.

Complaint – A request, whether written or otherwise documented as permitted by applicable procedure, that the University investigate or resolve alleged conduct that may violate this policy or another applicable University policy.

Discrimination - Treating an individual or group adversely, differently, or less favorably because of a protected status in a manner that affects employment, education, access to University programs or activities, or another University benefit or opportunity. Discrimination may include, but is not limited to, adverse action in hiring, promotion, compensation, job assignment, discipline, termination, admission, grading, academic progress, participation in programs or activities, housing, athletics, or access to University services because of a protected status.

Discriminatory Harassment – Unwelcome conduct based on a protected status that satisfies the applicable legal standard for the context in which the conduct occurs. In employment matters, harassment may violate this policy when enduring the conduct becomes a condition of continued employment or when the conduct is sufficiently severe or pervasive to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. In educational-access matters involving students, harassment must be conduct based on a protected status that is sufficiently severe, pervasive, and objectively offensive that it denies or limits a person's ability to participate in or benefit from the University's education program or activity, unless a different standard is required by controlling law. Discriminatory harassment may be verbal, physical, written, graphic, electronic, or other conduct. Whether conduct constitutes discriminatory

harassment depends on the totality of the circumstances, including the nature, severity, frequency, duration, context, location, effect of the conduct, and whether the conduct is protected by law.

Employee with Reporting Responsibilities – An employee designated by University policy or procedure as required to report discrimination, discriminatory harassment, retaliation, sexual harassment, sexual violence, or other covered conduct to the appropriate University office. Confidential employees, privileged communications, licensed clinical services, legal counsel, and other legally protected communications shall be handled in accordance with applicable law and University policy.

Protected Status – Any status, characteristic, or classification protected by applicable federal law, Kansas law, Kansas Board of Regents policy, or University policy, including race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, ancestry, age, disability, genetic information, marital status, parental or family status, veteran status, military or uniformed service status, sexual orientation, and any other legally protected status. Protections shall be interpreted consistent with applicable federal and state law and Kansas Board of Regents policy.

Reasonable Accommodation – A modification, adjustment, or change to a job, work environment, academic requirement, program, service, policy, practice, or procedure that enables a qualified individual to have equal employment or educational opportunity, unless the accommodation would impose an undue hardship, fundamentally alter a program or activity, create a direct threat, or otherwise not be required by law.

Report – Information provided to the University alleging conduct that may violate a this or another applicable University policy. A report does not necessarily initiate a formal grievance process unless required by applicable law or University procedure.

Respondent – An individual or entity alleged to have engaged in conduct that may violate this Policy or another applicable University policy.

Procedures: Approved procedures adopted under this policy are intended to implement this Policy and are effective only after approval through the University's applicable policy or procedure approval process. In the event of a conflict between this policy and an approved procedure, this policy controls unless the procedure is required by controlling law or a more specific governing policy.

Approved procedures may include, but are not limited to:

1. Human Resources complaint and grievance procedures;
2. Academic Affairs procedures;
3. Student and Student Life procedures;
4. Title IX procedures;
5. Disability accommodation procedures;

6. Religious accommodation procedures;
7. Pregnancy and related conditions accommodation procedures; AND
8. General University procedures

[[Hyperlink to Human Resources procedures](#)]

[[Hyperlink to Academic Affairs procedures](#)]

[[Hyperlink to Student and Student Life procedures](#)]

[[Hyperlink to Title IX procedures](#)]

[[Hyperlink to Accommodation procedures](#)]

[[Hyperlink to General University procedures](#)]

Related Policy Information: 1.01 - Discrimination and Harassment Prevention; 1.02 - Role of Civil Rights Compliance Officer and Title IX Coordinator; 1.03 - Title IX Sexual Harassment, Discrimination, and Retaliation for Employees, Students, and Visitors
4.07 - Academic Freedom; 5.01 - Student Code of Conduct

History: Adopted: Unknown [Approved and included in the UPM as Policy 3D.0106.05]
Revised: 05/07/2024 [Approved by President and renumbered in UPM to 3D.0106.04]
Revised: 08/15/2024 [Policy format revised as part of UPM Revision]
Revised: XX/XX/2026 [Policy 1.04 – Grievance Procedures for Faculty, Staff, and Students revised for clarity]