



CORNELL UNIVERSITY
POLICY LIBRARY

Establishment of College-level Academic Employee Grievance Procedures

Policy 6.2.10

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Responsible Executive: Provost
Responsible Office: Dean of Faculty
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POLICY STATEMENT

Cornell University requires colleges to establish minimum standards by which certain academic employees can pursue grievances against the university.

REASON FOR POLICY

The university supports the right of certain academic employees to seek, through formal grievance procedures, redress of decisions made or actions taken which they consider unfair or an impediment to the execution of their responsibilities.

ENTITIES AFFECTED BY THIS POLICY

- All units of the university (excluding the Weill Cornell Medical College)

WHO SHOULD READ THIS POLICY

- All academic personnel
- Deans, directors, and department heads

WEBSITE ADDRESS FOR THIS POLICY*

www.dfa.cornell.edu/tools-library/policies/establishment-college-level-academic-employee-grievance-procedures

This policy is derived from applicable Board of Trustee and Faculty Council of Representatives legislation and attempts to provide the user with information in a standardized format. In the event of a conflict, the legislative language is controlling.

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RELATED DOCUMENTS

Board of Trustee Legislation of March 13, 1975, page 8964, as amended on March 13, 2002
College-level Grievance Procedures
Faculty Handbook
Legislation Governing the Procedures of the Committee on Academic Freedom and
Professional Status of the Faculty
[University Policy 6.4. Prohibited Discrimination, Protected Status \(Including Sexual
Harassment, and Bias Activity\)](#)

DEFINITIONS

These definitions apply to these terms as they are used in this policy.

Academic Employee Covered by this Policy	An employee who holds appointments as Professor, Associate Professor, Assistant Professor, Visiting Professor (all ranks), Adjunct Professor (all ranks), Instructor, Senior Lecturer, Lecturer, Senior Research Associate, Research Associate, Senior Scientist, Senior Scholar, Senior Extension Associate, or Extension Associate.
College	Any organizational unit led by a dean or vice president, that houses academic employees covered by this policy.
Grievance	"An injustice or harm arising from a specific situation involving an act or acts of alleged unfairness which the individual regards as just cause for protest on his or her own behalf (or individuals on their own behalf)." ¹ ◆ Note: These grievance procedures are not applicable to complaints about appointment, reappointment, promotion or any tenure decision.
Grievance Committee	A committee established by a college or division to resolve grievances either by helping the parties reach a decision acceptable to both or by rendering a recommendation to the dean.

¹from Board of Trustee Legislation of March 13, 1975, page 8964

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PROCEDURES

Introduction

The university sets minimum standards that are intended to provide appropriate means by which individuals holding academic appointments at Cornell who believe themselves to be aggrieved can obtain consideration and, possibly, redress of their grievance. These minimum standards, which are set forth below, have been implemented to assist the colleges of the university in establishing their specific grievance procedures.

Each college is responsible for establishing grievance procedures that must be published and distributed to all individuals covered by them. Although specific procedures may vary from college to college due to the particular circumstances of each, they must be consistent in their recognition of the interests and responsibilities of the individual, the college, and the university.

◆ **Note:** These grievance procedures are not applicable to complaints about appointment, reappointment, promotion, or any tenure decision.

◆ **Caution:** Grievances that involve accusations of harassment on legally protected grounds, such as sexual or racial harassment, must be reported confidentially to the Office of Workforce Policy and Labor Relations.

Who May Grieve

Certain academic employees (see the "*Definitions*" section of this document), have, as a condition of appointment, the right to invoke a formal grievance action.

That action may seek to redress decisions made and/or actions taken at the unit, college, and/or university level that they consider intolerable to the effective execution of their responsibilities.

◆ **Caution:** Grievance procedures may be invoked only when direct discussions between the academic and any other parties to the dispute have been exhausted and left unresolved. The desire to prevent or to anticipate or to register mere unhappiness over a particular decision or action, does not, alone, justify invoking a grievance procedure.

When there is coverage by more than one university grievance procedure, the academic may choose the particular procedure to protest a particular grievable action. No more than one grievance procedure may be used for the same grievance.

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PROCEDURES, CONTINUED

What Actions are Grievable

College-level grievance proceedings may be initiated only after unit-level recourse has been exhausted. An academic grievance procedure may address the substantive and/or procedural aspects of any grievance arising from the academic's execution of his or her designated responsibilities.

Grievable actions may apply to a number of separate or related components of those responsibilities, including, but not limited to:

- reward;
- academic freedom;
- work assignment;
- working conditions;
- legally prohibited discrimination involving, but not limited to such factors as race, color, creed, religion, national or ethnic origin, sex, sexual orientation, age, or disability;
- existence of, adequacy of, and adherence to equitable grievance procedures.

◆**Caution:** Any grievance proceeding is advisory in nature to the respective deans, and the President and Trustees of the university.

Grievance Expenses

Any necessary expense of the grievance hearing is the responsibility of the university, except for the expenses of an individual advisor or counselor engaged by the aggrieved. If that advisor or counselor is an individual who works for the university, he or she will be allowed reasonable time to represent the complainant without loss of pay.

Grievance Procedures: The College's Responsibility

Each college must:

Establish Grievance Procedures

- establish grievance procedures in compliance with this policy;
- publish and distribute the grievance procedures to academic employees covered by this policy, and to all units of the college;
- file a copy of the college's grievance procedures with the Dean of Faculty;

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PROCEDURES, CONTINUED

Attempt to Settle Grievances

- attempt to settle individual grievances by direct negotiations between the concerned parties before a grievance procedure is filed.

When Necessary for Each Grievance, Establish a Grievance Committee

- appoint or elect a committee or committees to resolve individual grievances either by helping the parties reach a decision acceptable to both or by rendering a recommendation;
- provide adequate notice to all college academicians of such committee appointments and their accompanying provisions;
- inform committees as to their responsibilities, mandate, discretion, limitations, etc., when handling grievances under each college's established procedures;
- maintain adequate representation on committees of the various components of those with academic appointments, including rank and/or discipline, and/or unit and/or nature of appointment;
- exclude from participation in any committee established to resolve a particular grievance issue any individual directly affected by this issue or who has taken part in the decision that is being grieved.

◆ **Caution:** To minimize the possibility of a conflict of interest on the part of members of grievance committees, neither party to the dispute may select as a member of the grievance committee someone who reports directly or indirectly to that party. Furthermore, someone who acts in lieu of a party may not appoint, as a member of the grievance committee, someone who reports directly or indirectly to that party. However, if a school or college adopts a procedure as described in the "Note" below, the members selected by each of the parties may select any individual holding an academic appointment at Cornell as a chair irrespective of any existing reporting arrangements.

Every college must anticipate that grievances may, on occasion, be filed against the dean of the college or may relate to actions taken directly by that dean. Therefore, college grievance procedures must provide a means (e.g., by allowing the dean to appoint Cornell emeritus faculty members or faculty members in another Cornell school or college) that makes it possible to establish an ad-hoc grievance committee in such a case.

◆ **Note:** In the School of Industrial and Labor Relations, the Johnson Graduate School of Management, the Hotel School and the Law School, the grievance will be

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PROCEDURES, CONTINUED

handled by an ad hoc committee of three members selected from those individuals holding academic appointments at Cornell to hear the grievance. Each party to the grievance will select one member (subject to the restriction in the "*Caution*" above) and those two will select the third who will chair the committee.

What Must Be Included in Grievance Procedures

College grievance procedures must include specific provision for:

- submission of grievance in writing;
- establishment of the essential facts and unresolved issues of the grievance;
- adequate documentation of the grievance;
- establishment of an equitable and expeditious time schedule for handling each grievance;
- referral to the appropriate committee;
- communication of recommendations and ultimate decisions;
- confidentiality;
- confidential notification of the outcome of the proceedings to the Office of Workforce Policy and Labor Relations, if the case involves accusations of harassment on legally protected grounds, such as sexual or racial harassment.

Grievance Committee Responsibilities

Grievance committees must:

- determine whether direct negotiation remedies have been exhausted;
- determine whether facts warrant consideration on the substantive and/or procedural aspects of the issue;
- determine whether a detailed investigation is called for;
- determine whether hearings are necessary;
- determine whether recommendations and decisions are required;
- submit a written report to the dean of the college, setting forth findings and recommendations.

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PROCEDURES, CONTINUED

Grievance Resolution and Notification

The dean must notify the concerned parties, the university Provost, and the Dean of Faculty of his or her acceptance or rejection of the committee's recommendations, including reasons for that acceptance or rejection.

If a party to the issue requests it and with the concurrence of the grievance committee, the dean must then provide within the college summary notice of the case, the issue, and the resolution.

When one of the interested parties disagrees with a dean's decision, he or she may ask for a university-level review of that decision according to the procedures of the Committee on Academic Freedom and Professional Status of the Faculty.

Confidentiality

Strict confidentiality must be maintained regarding all matters relevant to individual grievances on a criterion of "need to know". However, colleges must provide for summary notice of the case, the issue, and the resolution at the request of a party to the issue and with the concurrence of the committee.

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RESPONSIBILITIES

The major responsibilities each party has in connection with University Policy 6.2.10, Establishment of College-level Grievance Procedures, are as follows:

College Dean or Designee	<p>Establish and/or maintain grievance procedures in conformity with this document.</p> <p>Publish and distribute those procedures to all individuals covered by them.</p> <p>File a copy of those procedures with the Dean of Faculty.</p> <p>Attempt to settle grievances by direct negotiations between the concerned parties before a grievance procedure is filed.</p> <p>When a grievance is filed, establish and maintain a grievance committee.</p> <p>Notify the concerned parties, the university Provost, and the Dean of Faculty of acceptance or rejection of the grievance committee's recommendations, including reasons for that acceptance or rejection.</p> <p>If a party to the issue requests it, provide summary notice within the college of the case, the issue, and the resolution with the concurrence of the grievance committee.</p> <p>Notify the Office of Workforce Policy and Labor Relations when the grievance involves harassment on legally protected grounds such as sexual or racial harassment.</p>
Grievance Committee	<p>Determine: a) whether direct negotiation remedies have been exhausted; b) whether facts warrant consideration on the substantive and/or procedural aspects of the issue; c) whether a detailed investigation is called for; d) whether hearings are necessary; and e) whether recommendations and decisions are required.</p> <p>When applicable, submit a written report to the dean of the college, setting forth findings and recommendations.</p>
University	<p>Set minimum standard for college-level academic grievance procedures.</p>
Academic Employee Wishing to Invoke College- level Academic Grievance Procedures	<p>Before invoking college-level grievance procedures, participate in direct discussions with any other parties to the dispute in an effort to resolve the dispute, and exhaust attempts to resolve conflicts through unit-level recourse.</p>

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