

# Cornell University Library

CUL Procedure #31  
GRIEVANCE PROCEDURE  
May 3, 2007

## GRIEVANCE PROCEDURE--CORNELL UNIVERSITY LIBRARY'S ACADEMIC STAFF

### **I. Scope**

This grievance procedure has been established as specified by [Cornell University Policy 6.2.10](#) -- Establishment of College Level Academic Employee Grievance Procedures. Through this grievance procedure, academic staff of the Cornell University Library have the right to seek redress of decisions made, actions taken, or conditions existing at the section, department, college and/or university level that the complainant alleges to be unfair. Grievance procedures may be invoked within six (6) months of the grievable action when direct discussions between the academic librarian and any other parties to the dispute end without resolution.

Academic grievances of librarians and archivists will normally fall under the Cornell University Library grievance procedure, rather than that of a college, school, or other university unit. No more than one university grievance procedure may be applied in resolving a single grievance.

This grievance process is not a legal hearing, but rather an internal process designed to resolve workplace disputes. Any grievance proceeding is advisory in nature to the University Librarian, respective deans, and the President and Trustees of the university.

### **II. Grievable Action**

Grievable actions may apply to a number of separate or related instances of disagreements about an individual's designated responsibilities including (but not limited to) academic freedom, work assignments, and working conditions. In the event the grievance alleges any issues related to sexual harassment, or any other form of prohibited discrimination or harassment (for example, relating to age, color, creed, disability, ethnicity, marital status, national origin, race, religion, sex, sexual orientation, gender identity, gender expression and veteran status), the grievance will be immediately and confidentially referred to the Office of Workforce Diversity, Equity and Life Quality for investigation under the procedures established under [Cornell University Policy 6.4](#), which governs all complaints of harassment and other forms of discrimination.

**Cornell University Library Procedure #31** is not applicable to complaints about appointment, reappointment, or promotion decisions; [Cornell University Library Procedure #13, Appendix E](#) will be applied in such instances.

### **III. Procedure**

#### **A. Submitting a Grievance**

Failing informal resolution of differences, the complainant may submit a formal written grievance within six (6) months after the occurrence of the action(s) to be grieved. The formal written grievance should be submitted to the supervisor, the department head or college librarian, the Assistant/Associate University Librarian or CUL's Director of Human Resources as appropriate. The grievant bears the burden of proof required to sustain the grievance.

#### **B. Grievance Format**

The written statement initiating a formal grievance should include:

1. The nature of the grievance
2. The person(s) against whom it is directed
3. Documentation of the efforts made to resolve the issue
4. Documentation of the responses to the complainant
5. A statement regarding other avenues of recourse available and efforts to utilize such avenues
6. The remedy or resolution sought.

#### **C. Initiation of Grievance Process**

Within fifteen (15) working days the recipient of the formal grievance shall reply, in writing, to the complainant. If the answer is considered unsatisfactory, the complainant shall notify the University Librarian in writing within fifteen (15) working days of receiving the reply that s/he wishes to proceed with the grievance. If the complainant fails to respond to the decision within the fifteen (15) day limit, then the issue will be presumed settled and the grievance will be closed. Otherwise, the grievance will proceed and be submitted to an ad hoc committee for consideration.

#### **D. Ad Hoc Grievance Committee**

The ad hoc committee will consist of three persons selected from the academic staff of Cornell University Library. The ad hoc committee is to be constituted by written directive from the University Librarian promptly after s/he receives the complainant's notification. One committee member is to be selected by the complainant, a second by the University Librarian, and a third, who shall serve as chair, by CUL Academic Personnel Policy Committee. Persons directly affected by the grievance or parties to the grievance may not serve on the ad hoc committee. The complainant and the recipient of the formal grievance shall be notified in writing of the establishment of the committee.

#### **E. Grievance Process**

The directive establishing the committee will include the written grievance filed by the complainant. This committee, with the assistance of the CUL administration, shall request necessary documentation from all parties and determine if an investigation and/or hearing is required. Either or both of the parties may be assisted by other Cornell University employees; however, attorneys representing interested parties may not be present at the formal grievance hearing. All involved parties shall be allowed reasonable time to prepare for the grievance procedure without loss of pay.

The committee's recommendations shall be determined by majority vote, though there may be a minority report. Decisions made under this grievance procedure must conform to existing Cornell University Library and University policies. Such decisions may lead to the establishment of new policies, but they may not, in and of themselves, constitute new policies.

The committee shall submit its written recommendations, including any minority report, to the University Librarian within twenty (20) working days after receipt of all information or conclusion of the hearing(s). Any documentation created or collected by the committee or its members in the course of the grievance process shall be turned over to the University Librarian along with the recommendations.

#### **F. Notification**

The University Librarian shall notify all concerned parties and the University Provost of acceptance or rejection, with reasons, of the committee's recommendation. At the request of any party to the grievance and with the concurrence of the ad hoc committee, a summary of the nature of the case and the resolution will be given to the academic staff members of the University Library. Otherwise, the case and the resolution will remain confidential on a need-to-know basis.

#### **G. Appeal**

When one of the interested parties to the grievance disagrees with the University Librarian's decision, s/he may ask for a University-level review of that decision. A written appeal should be submitted to the Provost, who shall initiate action as governed by the applicable University rules for appeals.

#### **IV. Confidentiality**

Confidentiality will be maintained regarding all matters relevant to individual grievances on a strict need-to-know basis. However, the University Librarian 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 ad hoc committee. All parties, with the exception of the ad hoc committee, may preserve written records related to the grievance proceedings. Such retention does not relieve any party of the responsibility to maintain confidentiality on a need-to-know basis.

If a University-level review by the Provost is requested, the University Librarian will make available to the Provost all material submitted in evidence with recommendations of the ad hoc committee. If such a review by the Provost is not requested, all documentation on the grievance proceedings in possession of the University Librarian will be confidentially maintained for a period not to exceed seven (7) years.

While the Cornell University Library will make every reasonable effort to keep the evidence compiled in the grievance process confidential, it cannot guarantee confidentiality. Also, in some limited number of cases, it may be in the Library's or the University's interest to disclose certain facts regarding a grievance.