

10/29/83 Current per
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11/06 - current

FACULTY GRIEVANCE PROCEDURE

1.0 OBJECTIVE

1.1 The following academic grievance procedure, as authorized by legislation adopted by the F.C.R., May 8, 1974, Records, pp. 4287-94c, Appendix A; modified by the Board of Trustees, Executive Committee, March 13, 1975, p. 8957, Appendix C, pp. 8964-69, is intended to provide each individual holding a faculty appointment (as defined by University legislation) in the College of Architecture, Art and Planning with an appropriate mechanism for seeking consideration, and possible redress, of grievances.

2.0 DEFINITIONS & SCOPE

2.1 For purposes of this procedure, a grievance is defined as an injustice or harm arising from a specific situation involving an act or acts which the individual regards as just cause for protest on his or her own behalf (or individuals on their collective behalf).

2.2 The right to invoke a formal grievance action does not extend to abnormal participation in, or obstruction of, the normal decision making processes. The desire to prevent, or to anticipate, or to register mere unhappiness over, a particular decision or action, does not, in and of itself, justify invoking a grievance procedure.

2.3 A grievable action may encompass such matters as: reward, academic freedom, work assignments, working conditions, discrimination by age, race, sex, etc. but are not limited to those cited.

2.4 All grievances relating to appointment, promotion, and tenure are excluded from this procedure by action of the Board of Trustees of the University taken on March 3, 1975 and are to be referred to the University Faculty Committee on Academic Freedom and Responsibility.

3.0 PROCEDURE

3.1 The grievance procedure described below is intended as a last resort method at the College level of resolving disputes. Accordingly, its implementation shall be contingent upon prior efforts to resolve differences through informal discussions between the parties involved.

3.2 Failing an informal adjustment of differences within a reasonable period of time, a faculty member may submit a formal grievance, so designated, in writing to the aggrieved involved. Within seven days of receipt, that individual shall reply in writing. If the answer is considered unsatisfactory, the aggrieved faculty member shall so notify the Dean of the College in writing within seven days of receipt of the reply.

3.3 Upon such notification and initiation, an Ad Hoc Committee shall be constituted under the supervision of the Dean of the College. That Committee shall consist of three persons from within the Cornell University Faculty, one of whom shall be selected by the aggrieved faculty member, a second by the aggrieved involved and a third member shall be chosen by the first two selected and shall serve as chairman. Members of the committee shall not include any individual who is a party to the particular grievance at issue. This Ad Hoc Committee is to be constituted not later than seven days after the formal notification and initiation of the grievance procedure.

3.4 The Ad Hoc Committee may decide at its discretion to simply recommend further direct negotiations between the parties to the dispute, or, it may elect to undertake a detailed investigation and hold hearings for the purpose of establishing essential facts and unresolved issues and shall arrange for adequate documentation.

3.5 The following rules shall govern unless the committee unanimously agrees otherwise:

A. The committee shall fix the time and place for all meetings and hearings.

B. All of the parties to the dispute shall have the right to appear personally before the committee and argue their case and to be represented by persons of their choice for the purpose of presenting evidence which will be made available to all parties, and/or conducting cross-examination.

C. The rules for conducting these hearings will be set by the Ad Hoc Committee.

D. The comments and or recommendations shall be determined by majority vote.

E. Strict confidence shall be maintained by all members of the committee and by all parties to the dispute.

3.6 The committee shall submit its conclusion and recommendation in writing, including a minority report if any, to the parties involved and to the Dean of the College no later than fourteen days after the close of the hearing.

3.7 Fourteen days after receiving the written report of the Ad Hoc Committee, the Dean of the College shall notify the principals in the dispute, the University Provost and the Dean of the Faculty in writing his acceptance or rejection of the committee's recommendations and the reasons therefor.

3.8 At the request of either party, and with the concurrence of the Ad Hoc Committee, the Dean shall issue a summary of the case to the Faculty of the College.

3.9 Once the panel's recommendations have been responded to by the Dean of the College, either party may appeal that response and ask for a University-level review in accordance with the rules and procedures established by the Faculty Committee on Academic Freedom and Responsibility.

4.0 Decisions made under this grievance procedure must conform to existing College and University policy. Such decisions may lead to the establishment of new policies, but they may not, in and of themselves, constitute new policies.

5.0 Any necessary expenses accruing to an individual who files a grievance under this procedure shall be borne by the College or, upon appeal, by the University, except that if the individual wishes to retain a representative or counsel the expense of such representation shall be borne personally. If a faculty member is represented by a person employed by Cornell University, this representative shall be allowed reasonable time to perform this function without loss of pay, as shall all witnesses.

6.0 In the event that the Dean of the College is a direct party to the grievance, the Dean of the University Faculty shall substitute for the Dean of the College in the foregoing procedures.

3/10/82 Addition per ltr. from Michael J. Montgomery, Office of Equal Opportunity:

7.0 In the event the grievance alleges a violation related to Cornell's policy forbidding sexual harassment, the Office of Equal Opportunity will be notified to assist in the investigation and, where appropriate, any subsequent action.