

**ACADEMIC GRIEVANCE PROCEDURE
FOR FACULTY AND ACADEMIC PROFESSIONAL STAFF
IN THE
NEW YORK STATE COLLEGE OF AGRICULTURE AND LIFE SCIENCES**

The grievance procedure for the College of Agriculture and Life Sciences provides means whereby any member of the faculty or academic professional staff of the College who believes himself or herself to be aggrieved can obtain consideration for redress of his or her grievance.

These procedures have been developed to conform to the “Guidelines for College-Level Academic Grievance Procedures” adopted by the Executive Committee of the Board of Trustees on March 13, 1975. (See Academic Appointment Manual, 1.57-1.61 and 1990 Faculty Handbook, p.62). These procedures do not apply to promotion and tenure decisions, for which specific appeals procedures have been identified and should be consulted.

1. Grievable Action

- a. A grievance is defined as 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.
- b. An academic grievance procedure can be applied to the substantive and/or procedural aspects of any grievance arising out of the academician’s execution of his or her designated responsibilities. Grievable actions might grow out of a number of separate or related aspects of those responsibilities of which the following are illustrative but not limiting:
 - (1) reward;
 - (2) academic freedom;
 - (3) work assignment;
 - (4) working conditions;
 - (5) discrimination by race, creed, sex, or age;
 - (6) existence of, adequacy of, and adherence to equitable grievance procedures; and
 - (7) sexual harassment

2. Right to Grievable Action

The individual academician has the right as a condition of his or her appointment to seek through these formal grievance procedures, involving the judgment of his or her peers, a redress of decisions made and/or actions taken at the departmental

or sectional, college, and/or University level that he or she considers intolerable to the effective execution of his or her responsibilities.

The right to initiate a formal grievance action does not extend to circumventing or impairing the normal decision making processes. The desire to anticipate or register unhappiness over a particular decision or action does not justify initiating a grievance procedure. Only when direct negotiations between parties to a dispute have been exhausted, and have not led to resolution, may individuals resort to invoking the academic grievance procedure of the College.

3. Coverage

- a. The academic grievance procedures are applicable to those persons holding appointments as Professor, Associate Professor, Assistant Professor (all ranks), Instructor, Senior Lecturer, Lecturer, Senior Research Associate, Research Associate, Senior Extension Associate, Extension Associate, or Postdoctoral Associate.
- b. Academic grievance procedures are not applicable to degree candidates having appointments such as Teaching Assistant, Research Assistant, Extension Assistant, or Graduate Research Assistant, for whom separate procedures exist.
- c. Academic grievance procedures for librarians, associate librarians, or assistant librarians in the College would normally proceed through the Cornell University Libraries Grievance Procedures.
- d. An individual (or individuals) who, by his or her appointment, is covered by more than one College or University grievance procedure, may choose the procedure under which he or she wishes to protest a particular grievance. An individual (or individuals) may not, however, initiate more than one grievance procedure for the same grievance.

4. Pre-grievance Procedures

Any individual who believes an action or actions covered in 1.b (above), taken by his or her department or section, the College and/or the University makes the effective execution of his or her responsibilities intolerable should discuss the action (or actions) with the immediate supervisor and with the department or section chair.

In the event the complaint alleges a violation related to Cornell's policy forbidding sexual harassment, the Office of Workforce Diversity, Equity and Life Quality will be notified to assist in the investigation and, where appropriate, any subsequent action.

If the problem is not satisfactorily resolved as a result of such discussion, the individual(s) should discuss the problem with:

- a. The Associate Dean of Academic Programs or Cooperative Extension or the Senior Associate Dean in the areas(s) of the disputed action; (faculty salary issues should be taken directly to the Dean if not resolved by the Chair);
- b. The Dean of the college

In that order until a satisfactory resolution is obtained.

The initiation of these steps must occur within 30 days of the alleged grievable action.

5. Grievance Procedure

- a. In case the individual continues to be dissatisfied following the procedure in Section 4 (above) a written grievance, stating the basis for the grievance and summarizing the attempts to resolve the dispute, may be presented to the Senior Associate Dean of the College of Agriculture and Life Sciences within 30 days following the meeting with the Dean.
- b. An ad hoc Grievance Committee to consider the grievance shall be constituted with the aid of the Senior Associate Dean of the college and shall consist of three members:
 - (1) one faculty or academic staff member chosen by the aggrieved individual;
 - (2) one faculty or academic staff member chosen by the Dean of the college, and
 - (3) one faculty or academic staff member, chosen by the above two designated committee members, who will serve as chair of the committee.

If agreement on the third committee member cannot be reached in 20 days, the third member shall be chosen by the College Faculty Committee on Nominations, within the next 7 days. At least two members of the ad hoc committee must be from within the College of Agriculture and Life Sciences.

Any individual who is a directly affected party to the particular grievance at issue will be excluded from participation as a committee member.

- c. In the situation that an employee files a written grievance and also files a complaint with an outside agency, the college grievance procedure will continue.
- d. The ad hoc Grievance Committee shall be provided the written grievance statement of the aggrieved individual and shall request written statements to establish the essential facts and unresolved issues concerning the grievances from the aggrieved individual, the department chair or director, and the dean for the use of the Committee. All such requests should be directed through the Senior Associate Dean. The Committee shall invite the aggrieved individual to present his or her case in a hearing with the Committee. The aggrieved individual may decline the opportunity for such a hearing. The Committee shall make such other inquiries as necessary within the limits of confidentiality to:
 - (1) determine that proper procedures have been followed;
 - (2) determine whether the aggrieved condition is unreasonable or discriminatory; and
 - (3) recommend a method of resolving the grievance.

The finding of the Grievance Committee shall be communicated, in writing, to the Dean of the College of Agriculture and Life Sciences and to the aggrieved faculty or academic staff member within 30 days of the constitution of the Grievance Committee. With the exception of the written report of the Committee, the proceedings of the Grievance Committee and materials submitted for it shall be handled on a confidential basis. The ad hoc Grievance Committee is dissolved upon the submission of its recommendations to the dean of the college and to the aggrieved individual.

- e. The dean may accept and act in accordance with the recommendations of the Grievance Committee and so report to the Provost, the Dean of the University Faculty, the Department Chair or Division Director, and to the principals of the grievance, or he may forward the report of the Grievance committee together with his reason for not accepting the recommendations of the Committee to the Provost, with copies to the Dean of the University Faculty, the Department or Section Chair, and the principals of the grievance.
- f. At the request of the aggrieved individual, and with the concurrence of the Ad Hoc Grievance Committee, a summary of the nature of the case, the issue and resolution will be given to the faculty and academic staff members of the college. Otherwise, the case, the issue and the resolution will remain confidential on a need-to-know basis.

6. Review

Should one of the parties to a grievance that has proceeded through 5d (above) desire to proceed further with the grievance, a review of the decision concerning a faculty member may be requested in accordance with the procedures of the Faculty Committee on Academic Freedom and Responsibilities. Non-professorial academic staff may request a review of the decision by the Provost. (See G-4.16, Guidelines for College-Level Academic Grievance Procedures.)

7. Effect of Grievance Proceeding

Any grievance proceeding contemplated herein shall be advisory to the Dean and the President and Trustees of the University. While a prior academic personnel action may be reviewed, modified or affected as a consequence of the proceedings, the proceeding itself shall not effect that change.

8. Grievance Expense

Any necessary expense of the hearing shall be borne by the College with the exception that if the individual wishes to retain a representative or counsel, the individual shall bear the expense of such representative or counsel. If the individual is represented by another individual of the college, the representative shall be allowed reasonable time to perform that function without loss of pay.