

XI. Grievance Procedure

The following grievance procedure is formulated in conjunction with University Policy 6.2.10 (Establishment of College-Level Academic Employee Grievance Procedure), as revised on August 28, 2002. "Academic Employee" is defined as: "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." University Policy 6.2.10, [www.policy.cornell.edu/CM Images/Uploads/POL/vol6_2_10.pdf](http://www.policy.cornell.edu/CM/Images/Uploads/POL/vol6_2_10.pdf)

- A. For purposes of this procedure a grievance shall be defined as an alleged injustice or harm arising from a specific situation involving an act or acts of alleged unfairness which the academic employee regards as just cause for protest on his or her own behalf (or individuals on their own behalf), other than an act or decision with respect to appointment, reappointment, promotion, or tenure decision. When there is coverage by more than one university grievance procedure, an individual may choose the particular procedure to protest a particular grievable action. No more than one grievance procedure may be used for the same grievance.
- B. The grievance procedure described below is intended as a last-resort means of resolving disputes. Accordingly, its implementation shall be contingent upon prior efforts to resolve differences through informal discussions between the parties involved.
- C. Failing an informal adjustment of differences within a reasonable period of time, an academic employee may submit a formal grievance in writing to the administrator involved. If the grievance is against a non-administrator, the formal grievance should be submitted in writing to the administrator with authority over the non-administrator. Within ten days of receipt, the administrator shall reply in writing. If the answer is considered unsatisfactory, the academic employee shall so notify the dean within ten days.
- D. At this point, the grievance shall be submitted to an *ad hoc* panel consisting of three persons holding academic appointments at Cornell University. Each party to the grievance will select one member of the panel and those two will select the third, who shall serve as chair. Neither party to the dispute may select as a member of the grievance panel 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 panel, someone who reports directly or indirectly to that party. However, the panel members selected by each of the parties may select an individual holding an academic appointment at Cornell as a chair irrespective of any existing reporting arrangements. The panel is to be constituted not later than

fourteen days after the dean receives the academic employee's notification that the grievance remains unresolved.

- E. The following rules shall govern the grievance panel's activities:
1. The panel shall determine whether direct negotiations between the concerned parties have been exhausted prior to submission of the grievance to the panel;
 2. The grievance panel may, as appropriate, attempt to facilitate an informal settlement of the grievance acceptable to the parties;
 3. The panel shall determine whether a detailed investigation is called for;
 4. The panel shall determine whether hearings are necessary;
 5. The panel shall fix the time and place for a hearing,
 6. Either or both of the parties may be represented by persons of their choice for purposes of presenting evidence by calling witnesses, conducting direct and cross-examination, and submitting relevant documents;
 7. The panel members may call and question witnesses and may seek to have relevant documents produced at a hearing. The parties may also question the witnesses called by the panel;
 8. The panel shall determine whether the facts warrant consideration on the substantive and/or procedural aspects of the grievance;
 9. The panel's recommendations shall be determined by majority vote.
- F. The panel shall submit its written recommendations, including a minority report, if any, to the parties and the dean not later than thirty days after the close of the hearing. Within twenty-one days of receipt of these recommendations, the dean shall give the parties written notice stating concurrence with or rejection of the recommendations, accompanied by a statement of reasons. The dean shall also give copies of this response to the university provost and the dean of the faculty.
- G. Once the dean has responded to the panel's recommendations, either party may appeal the recommendations or the response for a university-level review, in accordance with the rules and procedures established by the Faculty Committee on Academic Freedom and Responsibility.

- H. All parties to the grievance procedure shall observe confidentiality with regard to matters concerning a particular grievance. At the conclusion of the process, if a party to the grievance requests it and with the concurrence of the grievance panel, the dean must provide within the School summary notice of the case, the issue or issues, and the resolution. 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 Diversity, Equity and Life Quality.
- I. Decisions made under this grievance procedure must conform to existing School and university policy. Such decisions may lead to the establishment of new policies, but they may not, in and of themselves, constitute new policies.
- J. Any necessary expense of the grievance hearing is the responsibility of the School or upon appeal, of the university, except for the expenses of an individual advisor or counsel engaged by the grievant. If the advisor or counselor is an individual employed by Cornell University, he or she shall be allowed reasonable time to represent the grievant without loss of pay.