

## **Academic Grievance Procedure for Faculty and Academic Professional Staff in the Research Division**

The following procedures are formulated in conjunction with the University Policy 6.2.10 last updated August 28, 2002, "Establishment of College-level Academic Employee Grievance Procedures" and in accordance with the Guidelines approved by the Executive Committee of the Board of Trustees, March 13, 1975, and amended October 1982. It should be emphasized at the outset, that the procedures represent a mechanism for arbitration, and are not formally judicial in character.

The grievance procedure for the Research Division provides a means whereby any member of the academic professional staff of the Research Division who believes himself or herself to be aggrieved can obtain consideration for redress of his or her grievance.

### Grievable Action

A grievance is defined as an injustice or harm arising from a specific situation involving an act or acts of alleged unfairness that the individual regards as just cause for protest on his or her own behalf.

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:

- a) reward
- b) academic freedom
- c) work assignments
- d) working conditions
- e) discrimination by race, creed, sex, or age
- f) existence of, adequacy of, and adherence to equitable grievance procedures
- g) sexual harassment

### 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 center, unit 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 Research Division.

#### Coverage

- a) The academic grievance procedures are applicable to those persons holding appointments as Professor, Associate and Assistant Professor, Instructor, Senior Lecturer and Lecturer, Senior Research Associate and Research Associate, Senior Extension Associate, Extension Associate, Postdoctoral Associate, or Postdoctoral Fellow.
- 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) An individual 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 may not, however, initiate more than one grievance procedure for the same grievance.

#### Pre-grievance Procedures

Any individual who believes an action or actions covered under “Grievable Actions” taken by his or her department or center, division and/or the University makes the effective execution of his or her responsibilities intolerable should discuss the action with the immediate supervisor and with the department head or center director.

In the event the complaint alleges a violation related to Cornell’s policy forbidding sexual harassment, the office of Workforce, Equity, Diversity & 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 should discuss the problem with the Vice Provost for Research Administration.

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

#### Grievance Procedure

In case the individual continues to be dissatisfied following the procedure above, a written grievance stating the basis for the grievance and summarizing the attempts to resolve the dispute may be presented to the Vice Provost for Research within 30 days following the meeting with the Vice Provost for Research Administration.

An ad hoc Grievance Committee to consider the grievance shall be constituted with the aid of the Center Director and shall consist of three members:

- 1) one academic staff member chosen by the aggrieved individual
- 2) one academic staff member chosen by the Center Director

- 3) one academic staff member, chosen by the above two designated committee members from outside of the aggrieved individual's department or center, who will serve as chair of the committee

If agreement on the third committee member cannot be reached in 20 days, the Vice Provost for Research or his/her designee shall choose the third member.

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

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.

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 department head, the center director, and the Vice Provost for Research for the use of the Committee. The Committee shall arrange for a hearing with the aggrieved individual if such a hearing is desirable in the opinion of the Committee or the aggrieved individual, and 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 Vice Provost for Research 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 Vice Provost for Research and to the aggrieved individual.

The Vice Provost for Research 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 Head and Center Director, and to the principals of the grievance, or he/she may forward the report of the Grievance Committee together with his/her reason for not accepting the recommendations of the Committee to the Provost, with copies to the Dean of the University Faculty, the Department Head or Center Director, and the principals of the grievance.

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 Research Division. Otherwise, the case, the issue, and the resolution will remain confidential on a need-to-know basis.

### Review

Should one of the parties to a grievance that has proceeded through the grievance procedure, 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-professional academic staff may request a review of the decision by the Provost.

### Effect of Grievance Proceeding

Any grievance proceeding contemplated herein shall be advisory to the Vice Provost for Research 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.

### Grievance Expense

Any necessary expense of the hearing shall be borne by the Office of the Vice Provost for Research 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 division, the representative shall be allowed reasonable time to perform that function without loss of pay.