

ACADEMIC GRIEVANCE PROCEDURES
FOR FACULTY AND ACADEMIC PROFESSIONAL STAFF
IN THE
NEW YORK STATE COLLEGE OF VETERINARY MEDICINE

Adopted by the faculty of the College of Veterinary Medicine

December 11, 1975

Amended by the Faculty, November 2, 1978, par. 6d.

Amended by the Faculty, March 4, 1982, par. 1b(7).

Amended by the Faculty, May 1, 2003, par. 6b.

The grievance procedure of the College of Veterinary Medicine 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. If adopted by the Faculty and certified by the Committee on Academic Freedom and Responsibilities, they would replace existing grievance procedures.

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 or procedural aspects of any grievance arising out of the academicians' 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 (salary or other benefits).
 2. Academic freedom.
 3. Work assignment.
 4. Working conditions.
 5. Discrimination by race, creed, color, national origin, sex or age.
 6. Existence of, adequacy of, and adherence to equitable grievance procedures.
 7. Sexual Harassment

Such harassment is defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of

substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

In the event the grievance 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.

- c. By action of the Executive Committee of the Board of Trustees, the College grievance procedures are not applicable to complaints with respect to appointment, reappointment, promotion or any tenure decision, which are dealt with by a special process through the Dean of the University Faculty.
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, made or actions taken at the departmental or sectional, college, or University level that he or she considers detrimental 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 procedures of the College.

3. Coverage.
- a. These academic grievance procedures are applicable to all employees of the College who, because of the predominantly academic nature of their responsibilities, hold teaching, research, clinical or extension appointments, including all ranks of Professor, Lecturer, Instructor, Research Associate, Extension Associate, Postdoctoral Associate, Clinician, Resident or Intern.
 - b. Academic grievance procedures are not applicable to degree candidates. Degree candidates having appointment such as Teaching Assistant, Research Assistant, Extension Assistant, or Graduate Research Assistant are covered by a special procedure.
 - c. Academic grievance procedures of 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. The Grievance Committee of the New York State College of Veterinary Medicine is the General Committee of the Faculty (Faculty legislation October 7, 1971). The structure of this Committee, and the procedures for the election of its members are described in a Resolution in the Faculty minutes of June 12, 1958.

5. Pregrievance Procedure.

Any individual with a grievable action should discuss the action with any person against whom the grievance is directed and the chairman of the department or head of the section concerned. If the disputed action is not resolved by discussion, the individual may consider the possibility of discussing it with the Dean, or may initiate grievance procedures.

6. Grievance Procedure.

- a. Any individual with a grievable action who is dissatisfied following the pregrievance procedure may petition the Grievance Committee to initiate grievance proceedings. This petition shall set forth in detail the nature of the grievance, and shall state against whom or what the grievance is directed. It shall contain any factual or other data, which the petitioner deems pertinent to his case, and a summary of attempts to resolve the dispute.
- b. The Grievance Committee shall decide whether or not a grievance, which merits detailed investigation, has occurred. Should it reject the petition it should so inform the petitioner with reasons for its rejection within 20 working days of its receipt. The Grievance Committee shall establish the essential facts and unresolved issues. It may hold hearings or require depositions for this purpose as it sees fit. The findings and recommendation of the Grievance Committee shall be reported to the Dean of the College of Veterinary medicine within 10 working days of the conclusion of such an investigation.
- c. On receipt of the report of the Grievance Committee, the Dean may or may not accept and act in accordance with the recommendations. In either case the Dean shall, within 10 working days, communicate this decision and proposed action to the principles involved in the grievance, to the Provost and to the Dean of the University Faculty. If the Dean rejects recommendations of the Grievance Committee, the Dean shall set forth the reasons for doing so.
- d. A grievance petition may be withdrawn on the request of the aggrieved individual, or the grievance procedure may be terminated by mutual consent of all concerned, at any time prior to the receipt of the report of the Grievance Committee by the Dean and with the permission of the Committee. Should the aggrieved individual file a complaint with an outside agency, the college grievance procedures will stop until the outside agency makes a ruling. (Sentence deleted, Vet. Fac. Mins., p. 2538)

- e. The records of the Grievance Committee actions shall be such as to support a review or appeal by parties to the grievance if initiated within 1 calendar month of the communication of the Grievance Committee with the Dean. If no such request is received, or following the compliance with such a request, or if the grievance is withdrawn, all personal records, biographical outlines, committee reports, etc. will be returned to the appropriate authority or destroyed.
 - f. Within five (5) working days after the Dean reports on acceptance or rejection of Grievance Committee recommendations, any of the individuals asserting the grievance, the individuals against whom the grievance is asserted or the Dean may request the Grievance Committee to prepare a summary report on the nature of the grievance and its resolution for issuance to the Academic Staff of the College. At its discretion, the Grievance Committee may accept or reject such requests. If such a request is denied, the nature of the case and its resolution shall remain confidential
7. Committee Responsibility.
- a. The purpose of the Grievance Committee is to resolve a grievance either by helping the parties to reach a decision acceptable to all or by rendering a recommendation.
 - b. Any member of the Grievance Committee who is a directly affected party to a particular grievance shall be excluded from deliberation on this grievance.
 - c. All proceedings will be considered private and confidential in the general sense.
 - d. Discussions with non-committee members of grievance cases will be held only during a duly constituted Grievance Committee meeting.
 - e. The Chairman of the Grievance Committee will keep a file of procedures used for the guidance and information of future Grievance Committees. This file will contain nothing of a personal or private nature.