ACADEMIC GRIEVANCE PROCEDURES

On March 13, 1975 the Board of Trustees of Cornell University approved "Guidelines for College Academic Grievance Procedures," a copy of which is attached. The Trustee Guidelines require each college or school to examine its current grievance procedures and to revise them as necessary to ensure that they are in accord with the Guidelines. The academic grievance procedures set forth below were adopted by the Law faculty on February 4, 1976, pursuant to this direction.

1. Objectives, basic assumptions and coverage. The objectives, basic assumptions and coverage of the Law School Academic Grievance Procedures shall be as set forth in Parts I, II and III of the Trustee Guidelines.

2. Grievance Committee. The Grievance Committee shall consist of three members of the law faculty elected for staggered three-year terms, with one term expiring each year on June 30. In the initial election, one member shall be elected for the remaining portion of a one-year term, one for the remaining portion of a two-year term, and one for the remaining portion of a three-year term. Thereafter one member shall be elected each year for a three-year term except as special elections are necessary to fill vacancies. All voting members of the faculty shall be eligible for membership on the Grievance Committee. In exercising their vote, faculty members shall make every effort to elect a Committee which is representative of the various components of the faculty. A committee member who is a directly affected party to a particular grievance shall not participate in consideration of that grievance.

3. Procedures.

   a. Efforts shall first be made to help the parties to resolve the grievance by negotiation.

   b. If efforts at negotiation and conciliation have failed, the Grievance Committee shall consider the grievance on the basis of a written complaint of the grievant, a response by the appropriate administrator, and any informal hearings which the Committee finds appropriate or necessary to formulate a recommendation as to the merits of the grievance and its resolution. The general policies stated in Parts III, IV, V and VI of the Trustee Guidelines shall be followed.

   c. The recommendation of the Grievance Committee shall be submitted to the Dean who shall indicate in writing his acceptance or rejection of the recommendation. The grievant may request a further review by the FCR Committee on Academic Freedom and Responsibility.
GUIDELINES FOR COLLEGE-LEVEL ACADEMIC GRIEVANCE PROCEDURES
(as approved by the Executive Committee
of the Board of Trustees on March 13, 1976)

Part I - OBJECTIVES

1. The objective of academic grievance procedures is to provide appropriate means whereby an individual holding an academic appointment at Cornell University who believes himself or herself to be aggrieved can obtain consideration and, possibly, redress of his or her grievance.

2. The objective of the Guidelines set forth below is to establish standards for the development and maintenance of specific grievance procedures within the different colleges of the University. Although specific procedures may vary from college to college in accordance with the particular circumstances of each, they should be consistent in their recognition of the interests and responsibilities of the individual, the college, and the University.

3. A system of accepted and understood academic grievance procedures is intended to serve as one of the means by which a community of self-governing academicians exercises its freedom and responsibility.

Part II - DEFINITION AND ASSUMPTIONS

1. Definition. For the purpose of the following regulations and guidelines, 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 (or individuals on their own behalf).

2. Nature of Grievable Action. An academic grievance procedure can be applied to the substantive and/or procedural aspects of any grievance arising out of the academicians execution of his or her designated responsibilities.

*By action of the Executive Committee, such grievance procedures are not applicable to complaints with respect to appointment, reappointment, promotion or any tenure decision.
actions might grow out of a number of separate or related aspects of those responsibilities, of which the following are illustrative but by no means limiting: (a) reward; (b) academic freedom; (c) work assignment; (d) working conditions; (e) discrimination by race, creed, sex, or age; and (f) existence of, adequacy of, and adherence to equitable grievance procedures. The frequent interrelationships among these different aspects necessitate one set of academic grievance procedure guidelines and standards adaptable to all aspects rather than separate guidelines and standards for each.

3. **Right to Invoke a Formal Grievance Action.** The individual academician has the right as a condition of his or her appointment to seek through formal grievance procedures involving the judgment of his or her peers a redress of those decisions made and/or those actions taken at the departmental, college, and/or University level that he or she considers intolerable to the effective execution of his or her responsibilities.

4. **Limitation on Right to Invoke a Formal Grievance Action.** 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. Only when direct negotiations between parties to a dispute have been exhausted and not led to a resolution of a dispute may the individual (or individuals) resort to invoking the academic grievance procedure of his or her college.

Part III - COVERAGE

1. Academic grievance procedures are applicable to all employees of the University (except as noted below) who, because of the predominantly academic nature of their responsibilities, hold teaching, research and/or extension appointments, i.e., to those men and women holding appointments as Professor, Associate Professor, Assistant Professor, Visiting Professor (all ranks), Adjunct Professor (all ranks), Instructor, Senior
2. Academic grievance procedures are not applicable to degree candidates having appointments such as Teaching Assistant, Research Assistant, or Graduate Research Assistant.

3. An individual who, by his or her appointment, is covered by more than one university grievance procedure, may choose the procedure under which he or she wishes to protest a particular grievance. An individual may not, however, invoke more than one grievance procedure for the same grievance.

Part IV - MINIMUM STANDARDS FOR COLLEGE-LEVEL GRIEVANCE PROCEDURES

1. Establishment of procedures:

   a. Establishment of grievance procedures applicable to the academicians of the college as defined in Part III.

   b. Publication and distribution of the provisions of the procedures to all individuals covered by them.

2. Committee Organization and Structure:

   a. Designation by appointment or election of responsibility for handling grievances to either an existing committee or committees or especially created committee or committees.

   b. Adequate notice to all college academicians of such assignment and provisions concerning the assignment.

   c. Charge to the committee(s) regarding responsibilities, mandate, discretion, limitations, etc., for the handling of grievances under the established procedures.
d. Adequate representation on the committee(s) of the various components of those with academic appointments by e.g., rank and/or discipline and/or department and/or nature of appointment.

e. Exclusion from participation as a committee member any individual who is a directly affected party to the particular grievance at issue.

3. Committee Responsibility: Understanding by the academicians of the college that the purpose of the committee handling grievances is to resolve them either by helping the parties reach a decision acceptable to both or by rendering a recommendation.

4. Operation of Procedures:

a. Arrangements which require attempts to settle individual grievances by direct negotiation between parties concerned before application of grievance procedures.

b. Explicit procedures for (1) submitting a grievance in writing to a designated party, (2) referring to the appropriate committee, (3) establishing essential facts and unresolved issues, (4) arranging for adequate documentation, (5) establishing time schedule for handling particular grievances, and (6) communicating both recommendations and ultimate decisions.

c. Right of the committee handling the grievance to decide (1) whether or not direct negotiation remedies have in fact been exhausted; and (2) whether or not facts warrant consideration of the substantive and/or procedural aspects of the issue, a detailed investigation, hearings, recommendations and decisions.

d. Provisions assuring equitable and expeditious handling of individual grievances.
e. Submission by the appropriate committee of written report to the dean of the college, setting forth findings and recommendations.

f. Requirement of written notice from the dean to the principals of the grievance, the University Provost, and the Dean of the Faculty of his acceptance or rejection of the Committee's recommendations with reasons therefor.

5. **Confidentiality:**

a. Provisions for maintaining strict confidence with regard to all matters relevant to individual grievances on a criterion of need-to-know.

b. Provision for summary notice within the college of the case, the issue, and the resolution at the request of a party to the issue and with the concurrence of the committee.

6. **Review:** Procedure for permitting one of the parties to a grievance of a decision made in accordance with college-level grievance procedure to ask for a University-level review of that decision in accordance with the procedures of the Faculty Committee on Academic Freedom and Responsibility.

Part V - **EFFECT OF GRIEVANCE PROCEEDING**

Any grievance proceeding contemplated herein shall be advisory to the respective Deans and the President and Trustees of the University. While a prior academic personnel action can be reversed, modified, or affected as a consequence of the proceeding, the proceeding itself shall not affect that change.
Part VI - GRIEVANCE EXPENSES

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

Part VII - IMPLEMENTATION

1. The Dean of the Faculty shall publish and distribute, in such manner as he deems appropriate, copies of this legislation to academic personnel of the colleges as well as to deans and department heads.

2. Consistent with the relevant procedures of the respective colleges, members of the faculty are urged to:
   a. initiate establishment of college-level procedures in conformity with the foregoing standards and guidelines, if none exist.
   b. initiate review of college-level procedures if they exist; and, if necessary, institute such modification as may be necessary to bring them into conformity with the foregoing standards and guidelines.

3. The Committee on the Professional and Economic Status of the Faculty shall, as may be requested:
   a. consult with and advise academic and administrative officers and members of the college faculties on the establishment and maintenance of college-level grievance procedures consistent with the foregoing standards and guidelines.
   b. certify as to the adequacy of college-level grievance procedures in terms of the foregoing standards and guidelines.