6.3 Appeals and Grievances

6.3.1 Academic Grievance Procedures for SHA

This document is referenced from Section 3.1.7.

The School’s Academic Grievance Procedures

This document presents Academic Grievance Procedures for the School that are consistent with the University’s Guidelines for College-level Academic Grievance Procedures dated June 2002. Our procedures constitute Part IV of the University Document -- that is the Procedures specifically relevant to SHA. The procedures must be interpreted in the context of the University’s Guidelines, which include sections on:

I. Objectives
II. Definitions/Assumptions
III. Coverage (to whom this procedure applies)
IV. Minimum Standards for College-level Grievance Procedures
V. Effect
VI. Expenses
VII. Implementation

1. Establishment of Procedures

a. The School shall establish grievance procedures applicable to the academicians of the School as defined in the University Guidelines, Part III.

b. The School shall publish and distribute the provisions of the procedures to all individuals covered by them.

2. Committee Organization and Structure

a. In the School, the grievance is handled by an ad hoc committee of three members selected from those individuals holding academic appointments at Cornell to hear the grievance. Each party to the grievance selects one member (subject to the restriction in 2.b. and 2.c.) and those two select the third who chairs the committee.

b. To minimize the possibility of a conflict of interest on the part of members of grievance committees, neither party to the dispute may select as a member of the grievance committee 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 committee, someone who reports directly or indirectly to that party. However, if a school or college adopts a procedure as described in 2.a. above, the members selected by each of the parties may select any individual holding an academic appointment at Cornell as a chair irrespective of any existing reporting arrangements.
Appendix of Freestanding Documents

c. Any individual who is a directly affected party to the particular grievance at issue or who has taken part in the decision which is being grieved is excluded from participation as a committee member.

3. Committee Responsibility:

a. The ad hoc committee reviews and renders advisory opinions to the Dean concerning grievances presented to it. The committee resolves the grievance either by helping the parties reach a decision acceptable to both or by rendering a recommendation to the Dean.

b. The committee shall endeavor in all cases to resolve the individual grievances by mediation and direct negotiation between the parties concerned before employing formal grievance machinery.

4. Operating Procedures at the School

a. The aggrieved party shall submit a grievance petition in writing to the Dean or the Associate Dean for Academic Affairs of the School.

b. The person receiving the grievance petition (either the Dean or ADAA) assures the formation of the ad hoc committee and refers the grievance to the committee chair promptly, not later than 30 days after the receipt of the grievance.

c. When referring the grievance to the committee chair, the Dean or ADAA shall also submit to the committee a written statement outlining the essential facts together with copies of any pertinent written documentation.

d. Upon referral of the grievance to the committee chair, the committee shall require the parties to the grievance to attempt to reach a mutually satisfactory solution within a 30-day cooling-off period to commence upon written notice to the parties. The committee directs the parties to utilize this period to negotiate their own solution.

e. In the event that the parties themselves are unable to settle the grievance, the committee investigates the grievance by interviewing the parties and others; by requesting additional documentation as necessary; and by contacting appropriate members of the University administration and such others as are needed.

f. Based on the foregoing, the committee, after appropriate review and deliberation, shall by majority vote make and submit its written report of its findings and recommendations to the Dean no later than 90 days from the date ending the 30-day cooling-off period. In the event that the parties are unable to resolve the grievance, this 90-day reporting period may be extended by agreement of the parties or by extenuating circumstances.
g. Within one week after receiving the committee report, the Dean shall provide written notice to the parties to the grievance, the University Provost, and the Dean of the Faculty of his or her acceptance or rejection of the committee’s recommendations with reasons therefore. In the event the Dean accepts the committee’s recommendations, the Dean has an additional 30 days after such notice within which to undertake implementation of the recommendations.

5. Confidentiality

a. At all levels in the review process, whether dealing with issues of substance or of procedure, strict confidentiality of records, conversations, reports, and correspondence must be observed. Any person participating in the review process is furnished with all relevant materials on a “need to know” basis, but no further dissemination of confidential materials is authorized.

b. Any of the parties to the grievance may request that a summary notice of the case, the issue or issues, and its or their resolution be disseminated to the School with the concurrence of the committee. The summary notice shall protect the confidentiality of all parties insofar as possible.

6. Review

Any of the parties to a School-level grievance may request a University-level review of a decision made in accordance with the foregoing standards and guidelines, such review to be conducted in accordance with the procedures of the Faculty Committee on Academic Freedom and Professional Status of the Faculty.