

# Cornell SC Johnson College of Business

## Faculty Grievance Procedure

### I. Scope

This grievance procedure has been established as specified by [Cornell University Policy 6.2.10](#) -- Establishment of College Level Academic Employee Grievance Procedures. Through this grievance procedure, faculty (defined to include tenured, tenure-track, and both part and full-time RTE faculty) of the Cornell SC Johnson College of Business have the right to seek redress of decisions made, actions taken, or conditions existing at the area, school, and college-level that the grievant alleges to be unfair. Grievance procedures may be invoked within six (6) months of the grievable action when direct discussions between the faculty member and any other parties to the dispute end without resolution.

No more than one university grievance procedure may be applied in resolving a single grievance. If a grievance from a member of a multi-college department is taken up with another school or college, it is not eligible for the Johnson College of Business grievance procedures. This grievance process is not a legal hearing, but rather an internal and informal process designed to resolve workplace disputes. Any grievance proceeding is advisory in nature to the college dean, and the Provost of the University.

### II. Grievable Action

Grievable actions may apply to a number of separate or related instances of disagreements about an individual's designated responsibilities including (but not limited to) academic freedom, work assignments, and working conditions. In the event the grievance alleges any issues related to any form of prohibited discrimination or harassment (for example, relating to age, color, creed, disability, ethnicity, marital status, national origin, race, religion, sex, sexual orientation, gender identity, gender expression and veteran status), the grievance will be referred to the Office of Institutional Equity and Title IX for evaluation and possible investigation under the procedures established under [Cornell University Policy 6.4](#), which governs all complaints of harassment and other forms of discrimination.

This grievance procedure is not applicable to complaints about appointment, reappointment, or promotion decisions.

### III. Procedure

#### A. Submitting a Grievance

Failing informal resolution of differences, the grievant may submit a written grievance within six (6) months after the occurrence of the action(s) to be grieved. The written grievance should be submitted to the Dean of Faculty and Research or the Associate Dean of Staff and Academic Administration, as appropriate, by the decision of the

grievant. The grievant bears the burden of proof to prove the facts underlying the grievance.

## **B. Grievance Format**

The written statement initiating a grievance should include:

1. The nature of the grievance;
2. The person(s) against whom it is directed;
3. Description of the efforts made to resolve the issue;
4. Description of the responses to the grievant;
5. A description of the other efforts used to resolve the dispute; and
6. The remedy or resolution sought.

## **C. Initiation of Grievance Process**

Within fifteen (15) working days, the recipient of the grievance should reply, in writing, to the grievant. If the answer is considered unsatisfactory, the grievant will notify the Dean of Faculty and Research in writing within fifteen (15) working days of receiving the reply that s/he/they wishes to proceed with the grievance. If the grievant fails to respond to the decision within the fifteen (15) day limit, then the issue will be considered to be settled and the grievance will be closed. Otherwise, the grievance will proceed and be submitted to a committee for consideration.

## **D. Grievance Committee**

The school Grievance Committee that considers the grievance is an ad hoc committee of the college faculty.

### **i. Grievance Committee Charge**

The Grievance Committee deals with complaints received from faculty citing grievances against faculty or administrators or from administrators citing grievances against faculty when such grievances are of types not delegated to other committees or agencies of the school or the university.

### **ii. Grievance Committee Composition**

The Grievance Committee will be comprised of three SC Johnson College of Business faculty members. The committee will have one tenured, one pre-tenure, tenure-track and one full-time RTE faculty member. The members will represent various faculty areas. One alternate member will also be selected and may be a tenured, a pre-tenure tenure track, or a full-time RTE faculty member. The Dean of Faculty and Research will seek nominations for the various members of the committee and will be responsible for administering the vote. This standing list of 14 elected faculty members will be maintained by the Dean of Faculty and Research and any elected member can be called up to serve on an ad hoc committee when a grievance is filed.

### **iii. Grievance Committee Term**

Members of the Grievance Committee will serve 3-year, staggered terms.

### **iv. Grievance Committee Process**

Prior to initiating their inquiry, the Grievance Committee will evaluate whether any committee member is a directly affected party in the particular complaint and, in the case in which the committee member is affected, this member will be asked to refrain from any further role in the grievance process. It is also possible for members of the committee to disqualify themselves from consideration of any issue if they consider themselves to have a conflict of interest such that they cannot serve as an objective evaluator of the grievance. If the number of committee members available to participate in a review is reduced to less than three, the alternate committee member will be asked to serve.

The Grievance Committee acts only upon receipt of a written complaint and after a determination that (1) the complaint constitutes a Grievable Action under Section II above and (2) settlement by the principals cannot be achieved without the committee's review.

## **E. Grievance Process**

Based on the written grievance filed by the grievant, the Dean of Faculty and Research will compose the committee. This committee, with the assistance of the Cornell SC Johnson College of Business administration, will request documentation from all parties and determine what, if any additional investigation or a hearing is needed to decide the grievance. Either or both of the parties may be assisted by other Cornell University employees; however, attorneys representing interested parties may not participate. All involved parties shall be allowed reasonable time to participate in the grievance procedure without loss of pay.

The committee's recommendations shall be determined by majority vote, though there may be a minority report. Decisions made under this grievance procedure must conform to existing SC Johnson College of Business and University policies. Such decisions may lead to the establishment of new policies, but they may not, in and of themselves, constitute new policies. The committee shall submit its written recommendations, including any minority report, to the college dean within twenty (20) working days after the committee confers and makes its decision. Any documentation created or collected by the committee or its members in the course of the grievance process will be provided to the college dean along with the recommendations.

## **F. Decision and Notification**

The college dean will make a decision within (20) working days of receipt of the Committee's written recommendation. The college dean will notify all concerned parties and the University Provost of acceptance or rejection, with reasons, of the committee's recommendation. At the request of any party to the grievance and with the concurrence of

the grievance committee, a summary of the nature of the case and the resolution will be given to the faculty members of the Cornell SC Johnson College of Business. Otherwise, the case and the resolution will remain confidential on a need-to-know basis.

### **G. Appeal**

If one of the interested parties to the grievance disagrees with the dean's decision, they may ask for a university-level review of that decision according to the procedures of the Committee on Academic Freedom and Professional Standing of the Faculty.

## **IV. Confidentiality**

Confidentiality will be maintained regarding all matters relevant to individual grievances on a need-to-know basis. However, the college dean must provide a summary notice of the case, the issue, and the resolution at the request of a party to the issue and with the concurrence of the grievance committee. All parties, with the exception of the grievance committee, may preserve written records related to the grievance proceedings. Such retention does not relieve any party of the responsibility to maintain confidentiality on a need-to-know basis. All documentation on the grievance proceedings in possession of the Dean's Office will be confidentially maintained for a period not to exceed seven (7) years. While the Cornell SC Johnson College of Business will make every reasonable effort to keep the evidence compiled in the grievance process confidential, it cannot guarantee confidentiality. Also, in some limited number of cases, it may be in the SC Johnson College of Business or the University's interest to disclose certain facts regarding a grievance.