



# Staff Complaint and Grievance Procedure

**For: NonAcademic Staff**

**Subject: Resolving Staff Concerns**

**Number: 6.11.4**

**Issued: 10/1/80**

**Revised: 11/11/20**

**Contact: Workforce Policy and Labor Relations**

607.255.4652

[hrpolicy@cornell.edu](mailto:hrpolicy@cornell.edu)

[www.hr.cornell.edu](http://www.hr.cornell.edu)

## Purpose

The purpose is to establish a procedure for the fair, orderly, and speedy resolution of disputes that sometimes arise between supervisors and staff. This shall serve as the exclusive university procedure for the resolution of job-related complaints and grievances.

## Applies To

All regular full-time and part-time exempt and nonexempt, nonacademic Cornell University staff except:

- members of a collective bargaining unit,
- unclassified employees, and
- employees in Puerto Rico or the Cornell University Medical College

Probationary staff will have access to this procedure, except for matters involving termination and extension of the probationary period.

## Usage

A staff member may utilize this procedure to review an alleged violation or misapplication of university policies or rules pertaining to employment in the department involved, or applicable laws or regulations which directly and adversely affects the staff member.

## **Prohibited Discrimination, Protected Status (Including Sexual) Harassment and Bias Activity**

The Office of Institutional Equity and Title IX is responsible, under Policy 6.4, Prohibited Discrimination, Protected Status (Including Sexual Harassment and Bias Activity), for the enforcement of the university's non-discrimination obligations and has the exclusive responsibility of accepting and processing complaints of prohibited discrimination and protected status harassment and resolving them in accordance with Policy 6.4. Time limits in this grievance procedure may be modified in order for the Office of Institutional Equity and Title IX to process such complaints.

### **Informal Resolution of Complaints**

Regular and forthright communication between staff and supervisors reduces the likelihood of the need for more formal review and is in the mutual best interest of both the university and staff. Written reference materials and guidelines to assist supervisors are available upon request from the local hr representative or designee.

Therefore, staff should bring to the attention of their supervisors any work-related problems as soon as possible after they arise, and discuss the concern with the objective of resolving it.

Supervisors should discuss with staff their concerns in a timely fashion in an effort to resolve the matters.

Should informal attempts at resolution not be satisfactory, staff may then utilize the formal grievance procedure.

### **Staff Relations Assistance**

The local hr representative or designee or a Workforce Policy and Labor Relations consultant is available for assistance in the informal resolution of such matters. The local hr representative or designee or a Workforce Policy and Labor Relations consultant may be contacted for informal counseling if the staff member believes he or she cannot approach the supervisor with the problem. The local hr representative or designee or a Workforce Policy and Labor Relations consultant will meet with the staff member, the supervisor, or both as may be appropriate, to assist in amicably resolving their differences.

The local hr representative or designee or a Workforce Policy and Labor Relations consultant can also provide advice on:

- matters of policy interpretation,
- rights of staff and supervisors, and
- information concerning the formal grievance procedure.

Other university offices available for assisting employees with the informal resolution of such matters are the Office of the Ombudsman and the Office of Environmental Health and Safety in matters involving health and safety issues, and, in cases involving alleged discrimination based upon a staff member's race, sex (including sexual harassment), ethnic or national origin, religion, or disability, contact the Office of Institutional Equity and Title IX.

## **Representation**

A staff member may choose to act as his or her own representative in any step of this procedure. If representation is desired, the staff member may select an employee representative, provided the employee who is selected does not have a direct interest in the outcome. The Office of the Ombudsman is also available to assist staff in obtaining representation.

## **Release Time for Participation in Grievance Procedure – Supervisory Approval**

Supervisory approval is needed for release time from work for the employee-grievant and his/her representative (if one is utilized), for time spent in grievance-related meetings or preparation, when such time cuts across normally scheduled work hours. The granting of release time shall be at management's sole discretion.

## **Release Time (Pay) for Participation in Grievance Procedure**

- Non-Exempt Employees - An employee grievant and his/her representative, if one is utilized, will each receive a maximum of 8 hours of paid release time, per calendar year, at their regular rate of pay, for hours spent in preparation for the grievance(s) and during the grievance meeting(s), Steps 1 through 3, as set forth in this policy, if such time cuts across regularly scheduled work hours. Such time should be recorded as "paid leave" in the time collection system utilized by the employee(s).
- Exempt Employees - Exempt employees, whether a grievant or a representative participating in this procedure, will receive their usual compensation.

## **Protection Against Retaliation**

Staff may not be discriminated against for exercising rights under this grievance procedure. When a staff member alleges he or she has been discriminated against for exercising rights under this procedure, or for participating in a grievance as a witness or grievant representative, a complaint may be initiated directly at Step II of the formal grievance procedure. The university considers such acts of discrimination by a supervisor against any staff member as a result of her or her involvement in this procedure as unacceptable supervisory conduct and a violation of university policy.

## **Time Limits**

The time limits included in this procedure have been established to facilitate a speedy resolution of the problem while providing ample time to prepare and present arguments.

The time limits may be modified by mutual written agreement of the parties

If a staff member should fail to observe the time limits in any particular step, the grievance will be considered to have been resolved to the staff member's satisfaction. If the university should fail to observe the time limits in any particular step, the staff member may take the complaint to the next step.

## **Grievance Procedure:**

### **Step I.**

#### **Department Head**

In the event that informal attempts to resolve staff grievances are not successful, a staff member may then file a formal grievance. The grievance must be in writing, signed by the staff member, and submitted to the department head within ten working days of the occurrence which gave rise to the grievance, or within ten working days of the date the staff member had reason to know of the occurrence.

The written grievance:

- should identify the policy or rule which is alleged to have been violated,
- should contain a concise statement of the facts surrounding the grievance, and
- should contain the remedy sought.

Any grievance which does not include these essential elements may be rejected.

Within five (5) working days from receipt of the written grievance, the department head or his or her designated representative will schedule a meeting with the staff member, the staff member's representative, the immediate supervisor, and any other individuals the department head determines will assist in the investigation and resolution of the problem. Such meeting shall be held within fifteen working days from receipt of the written grievance.

The department head or his or her designated representative will provide the staff member with a written answer within five working days after the completion of this meeting and forward a copy of the grievance and answer to the local hr representative or designee.

### **Step II.**

#### **Review by Workforce Policy and Labor Relations**

In the event the grievance is not resolved at Step I, the grievant may, within five working days from receipt of the Step I answer, file a written appeal with Workforce Policy and Labor Relations in the Division of Human Resources.

The director of Workforce Policy and Labor Relations or such other official as designated by the vice president for human resources in the Division of Human Resources, will, within five (5) working days from receipt of the written appeal, schedule a meeting with the parties involved. Such meeting shall be held within fifteen working days of the receipt of the written appeal.

The director of Workforce Policy and Labor Relations will provide a written decision to the staff member and other necessary individuals within ten working days from the close of the meeting. Except as outlined in Step III, this answer shall be final and not subject to review or further appeal.

### **Step III.**

#### **Special Review: Suspension Without Pay and Discharge Cases**

In the event the staff member's complaint results from his or her suspension without pay or discharge, and the staff member is not satisfied with the Step II written decision, the staff member may, within five working days from receipt of the Step II decision, appeal in writing to the vice president for human resources for special review.

## **Arbitration of Nonexempt Staff Grievances**

Special review of nonexempt staff grievances shall consist of final and binding arbitration conducted by either a three-member panel from the university community or an arbitrator selected in accordance with the procedures of the American Arbitration Association. The staff member shall state in the written appeal for special review the option he or she has selected.

The panel list of university arbitrators, which shall be comprised of tenured university faculty, and the rules of procedure of the American Arbitration Association are available in Workforce Policy and Labor Relations for review by the staff member. If the staff member chooses an American Arbitration Association arbitrator, the arbitrator's fees and expenses shall be shared equally by the university and the staff member. In the event the arbitrator fully upholds the staff member's grievance, without modification, the university will pay the entire cost of arbitration.

Within five (5) working days from the date the vice president for human resources receives the written appeal for special review, the grievant shall meet with the director of Workforce Policy and Labor Relations or his or her designated representative to either:

1. File a Demand for Arbitration with the American Arbitration Association, or
2. Select the three-member panel as set forth below:
  - The department head and the staff member shall each select a member of the panel from the university community.
  - The two members designated will select a third member from a list of tenured university faculty, prepared by the vice president for human resources, to be chairperson of the panel.
  - If the members of the panel selected by the department and the staff member cannot agree on a third member, each will number their choice for chairperson in ascending order from the most 1, to the least 10. All 10 must be numbered.
  - The individual receiving the lowest sum shall be appointed as chairperson of the panel. All of the above selections must be made within ten days.
  - The individual selected as chairperson of the panel must not have prior knowledge of the issues in dispute or the parties involved.

The arbitrator or chairperson of the Arbitration Panel, as applicable, shall schedule a date for the arbitration as soon as practical for all the parties. The rules of the American Arbitration Association shall apply to the conduct of the hearing, and the arbitrator shall be requested to render a decision within thirty days after its completion. This decision shall be final and binding on all parties.

The arbitrator or chairperson of the Arbitration Panel, as applicable, shall have only the authority to decide the issues of whether just cause for the discharge or suspension exist and if the level of discipline was appropriate for the violation. In rendering a decision the arbitrator(s) shall have no authority to add to, subtract from, alter, or modify any policies, procedures and or practices of the university, substitute his or her judgment for that of any university administrator who has discretion in interpreting university policy, or make an award which provides the staff member with compensation greater than would have resulted had there been no violation of university policy. In addition, the arbitrator or chairperson has no authority to grant a regular appointment or any extension of employment beyond the current expiration date of employment.

## **Special Review of Exempt Staff Grievances**

Special review of exempt staff grievances in cases of suspension without pay or discharge shall be conducted by either the university provost or the university president or designee.

Either the university provost, or university president, or designee shall review the facts and the previous actions on the grievance and if he or she deems it appropriate, may schedule a meeting on the grievance.

Either the university provost, or university president, or designee shall render a written decision on the grievance within thirty days after receipt of a written appeal or the conclusion of the meeting on the grievance, if conducted, whichever is later. The decision shall be final and binding on all parties.

**NOTE:**

For Cornell University policy information, visit the [University Policy Office](#).