Report on Teachers College Grievance Policies & Procedures

September 1, 2010

Experiencing Diversity Project

Robert T. Carter, Ph.D.

Celia Oyler, Ph.D.
Introduction

As part of a larger, multiyear study examining the climate of diversity and anti-discrimination at Teachers College, we investigated the formal and informal policies, procedures, and practices for addressing grievances in order to understand the available mechanisms of support for individuals within the College. To achieve this, we conducted a thorough review of published policies and procedures through online searches of the Teachers College website from mid-2009 to early 2010 and identified the established guidelines for addressing and resolving complaints. Additionally, we conducted individual interviews with unit heads throughout the College to gain insight from their perspectives into: the frequency with which various offices are approached to assist with concerns; administrators’ awareness of published policies; the types of issues that are being addressed; and the outcomes or resolutions of grievances.

This report consists of summaries of the published grievance policies and procedures for various groups at the College (e.g., students, faculty, professional staff, and union employees), a summary of the individual interviews with College unit heads (e.g., administrators, academic department chairs, and union shop stewards), and an appendix that outlines the established grievance policies and procedures by group. Published grievance information exists in different places in the College depending upon the individual or group filing the grievance (e.g., student, faculty, professional staff, union employee, etc.) and/or the types of grievance (e.g., workplace/professional concern, academic issue, sexual harassment, etc.).
Published Grievance Policies and Procedures

Grievance Policies and Procedures for Students

For students, grievance policies and procedures are documented in the Student Handbook, the College Catalog, and embedded throughout the College’s website. In the 2009-2010 Student Handbook, which is distributed yearly to incoming students, information regarding grievance procedures is primarily documented in the section entitled, “College Policies: Guide to Students’ Rights and Responsibilities.” Depending on the nature of the complaint, whether academic, diversity, discriminatory, or harassment in nature, students are encouraged to approach their advisors, instructors, program chairs, department chairs, the Ombudsman, and/or the Vice Provost. What is communicated throughout the material is that individual students or groups are encouraged to address potential grievances through informal processes prior to seeking the support of such offices or individuals as the Ombudsman or Vice Provost.

For example, under the section entitled “Student Services and Administrative Information” in the 2009-2010 College Catalog, the Office of Student Relations (OSR) is described as being:

. . . committed to building bridges and enhancing services to help support and improve the student experience at Teachers College. The OSR listens to students and helps them navigate College policies and procedures, while educating them about appropriate resources at the College… Students who are unsure who to speak with regarding a matter of concern are encouraged to reach out to the OSR once they have made an effort to resolve their questions and concerns locally with the appropriate office(s) or department(s) (p. 264) (italics included for emphasis).

Additionally, the College Ombudsman is described in the 2009-2010 Student Handbook as being:

. . . available to students, faculty, and staff for resolving problems and conflicts after normal processes have not worked satisfactorily or when students no longer want to pursue their concerns through usual channels. Students can also meet with the Ombudsman when they do not know where else to go for help. They should, however,
attempt to resolve their problem or register complaints with their advisors, instructors, or the staff of College offices before coming to the Ombudsman. (p. 94)

It is further noted that,

The use of the services of the Office of the Ombudsman does not substitute for a formal grievance procedure. A communication with the Office is off-the-record and does not put Teachers College on notice of a problem. If an individual wishes to put the College on notice, the Ombudsman can provide the information about how to do so. (p. 95).

In our interview with Edwin Flaxman, he noted that in the course of three years, he has met with a total of 77 students. Many of these meetings involve multiple subsequent meetings and include other participants in addition to the student complainant.

For cases of discrimination, students are advised to approach the Office of the Vice Provost and the Office of Community and Diversity, in addition to the Ombudsman. The Office of the Vice Provost and the Office of Community and Diversity indicated assisting approximately 25-50 and 30-35 student cases, respectively each year. The Office of the Associate Vice Provost reported meeting with about 40 students per year.

It appears that there are numerous published policies and procedures for grieving students and various avenues for addressing potential concerns. A condensed list of published policies and procedures for students is included in the Appendix of this report.

Grievance Policies and Procedures for Faculty

We used a variety of sources to compile information regarding grievance policies for faculty, including the Teachers College Faculty Handbook (2006-2007), the Teachers College Policy on Protection from Harassment (August 7, 2007), and the College’s website. It is unclear whether all instructional staff, regardless of tenure status, tenure-track status, and/or position, are expected to refer to the policies specifically outlined for faculty in the materials listed above, but
the following resources are documented as appropriate offices and/or individuals that faculty can approach with grievance concerns: Ombudsman of the College; Associate Vice Provost; and the Office of the President: the General Counsel to the President, the Office of Diversity and Community, and the Committee for Community and Diversity. The Office of Community and Diversity indicated that few faculty complaints have been brought to the office, whereas the Office of the Associate Vice Provost reported approximately two faculty cases per year and the Ombudsman indicated seven faculty cases within three years.

Although expectations and policies (e.g., Drug Policies, Teaching Expectations, etc.) are in place for faculty, it appears that specific grievances are not clearly labeled or identified. In general, it seems that the recommended procedures for handling any issue or “grievance” is to get in contact with the Faculty Advisory Committee given that their role, according to the 2006-2007 Faculty Handbook, is to be . . . responsible for assisting the President, the Dean [Provost], and the Vice President for Finance and Administration in locating, discussing, and adjusting problems of relationships or organizational functioning affecting academic appointees which, for any reason, cannot be satisfactorily disposed of within the regular administrative channels [italics added]. The Committee shall provide a hearing on request of any member of the academic staff. (p.6)

It is not clear what is meant by the phrase “regular administrative channels,” but it is used throughout the Handbook. Additionally, the procedures of the Faculty Advisory Committee could not be located in the 2006-2007 Faculty Handbook or on the Office of the Provost and Dean of the College’s website. A condensed list of published policies and procedures for faculty is included in the Appendix of this report.


Grievance Policies and Procedures for Professional Staff

Although the Professional Staff Manual is currently being updated, the steps necessary to file a grievance for non-union, professional staff are outlined in the Professional Staff Policy Manual published on the Office of Human Resources’ website. In Chapter 2 of the manual, which is entitled “Employment Policies and Procedures: Problem Resolution Procedures,” professional staff members are provided the following explanation: (1) the necessary steps to address a complaint; (2) the specific time frame for each step; and (3) the specific individuals (by role or position) involved in each phase of the grievance procedure. This policy covers the various steps for filing a professional staff complaint after one has tried to address and resolve an issue informally. Furthermore, the policy outlines what an individual can do if they feel the grievance remains unresolved at any step of the process.

As documented in the Professional Staff Policy Manual, the problem resolution procedure for professional staff employees is to first seek resolution from the appropriate supervisor. If the staff person does not find the solution amenable, s/he may pursue resolution first from the department head, then the Director of Human Resources, and finally the Vice President or Dean/Provost as appropriate. At each of these stages, professional staff should file their complaint in writing and allow up to 15 days to receive a response. If after obtaining a decision from the Vice President or Dean/Provost the professional staff member remains unsatisfied, s/he may submit the grievance to an ad-hoc grievance committee of the professional staff. Professional staff members dissatisfied with the committee’s decision may file a grievance with the Faculty Advisory Committee who may conduct an inquiry; if they accept the case they are obliged to make a recommendation to the President for resolution.
In addition to the grievance procedures published on the Human Resources website, more information for professional staff employees is outlined in the College Catalog, which identifies the Office for Diversity and Community and the College Ombudsman as additional resources for addressing grievance concerns. The Office of Community and Diversity estimated receiving 30-35 cases per year and approximately 10 professional staff cases were reported by the Office of the Ombudsman within a three-year period. We do not have any data on if (or how many) written grievances/problems are submitted to Vice Presidents or the Provost or if any cases (or how many) actually go to the ad-hoc committee. However, the Office of Human Resources indicated that approximately 1-3 professional staff issues come to the office per week.

A condensed list of published policies and procedures for professional staff is included in the Appendix of this report.

**Grievance Policies and Procedures for Union Employees**

Grievance procedures pertaining to union employees are documented in the unions’ respective contracts, which are easily accessible on the Human Resources website. The contract for each union (32BJ- Service Employees, Local 2110- Technical, Office, and Professional Union, Local 707- Facilities, Local 707- Security) includes a section entitled “Grievance and Arbitration Procedures,” which clearly outline the steps involved in filing a union grievance. Similar to that of the professional staff, the published grievance policies for union employees clearly and comprehensively list the steps for addressing a grievance, including the time frame necessary for completing each step of the process, and an outline of the expectations for both the grieving individual as well as those persons working with the grieving individual. The Office of Human Resources reports receiving approximately 30-40 cases per year.
In addition to a formal grievance, union employees also utilize other College offices. The Office of Community and Diversity reported 30-35 union staff cases per year; the Office of the Vice Provost indicated 3-5 issues per year; and the Ombudsman reported five union employee cases over a three-year period. Additionally, the Director of the Library, the Office of Finance and Administration, and the Office of Campus and Auxiliary Services indicated assisting with union complaints. A condensed list of published policies and procedures for union employees is included in the Appendix of this report.

Summary of Published Grievance Policies and Procedures

Upon review of published grievance policy and procedure documents at Teachers College, there appears to be a lack of clarity or consistency regarding the definition of what constitutes a “grievance” and what the established policies and processes are for addressing and resolving a complaint for both grieving individuals and those persons who assist in the processes. Although not an exhaustive list compiled from published grievance materials, some types of grievances outlined in current policies include academic concerns (e.g., grades, poor teaching, cheating, plagiarism, biased treatment of students, etc.), workplace issues (e.g., professional conduct, performance reviews, retribution, hiring/promotion process, workplace hostility, etc.), interpersonal relationships (e.g., inappropriate faculty-student relationships), and discrimination or harassment regarding race, color, religion, creed, sex, sexual orientation, national origin, ancestry, age, marital status, citizenship status, veteran status, disability or any other criterion specified by federal, state, or local laws.

A theme stated throughout the documents is that all grieving individuals, regardless of position or type of complaint, should attempt to address their grievance in an informal manner
prior to employing formal or established procedures. Individuals are encouraged to seek the
formal assistance of established offices, individuals, and/or grievance procedures only after
exhausting various informal processes. For example, the following statement pertains to all
employees on the Office of Human Resources website:

When work related conflicts arise, employees are encouraged to resolve differences
directly with supervisors and/or higher level supervisors. When these efforts fail,
employees may employ established grievance procedures. Such procedures are available
for every member group in the college - students, union members, professional staff, and
faculty. (Office of Human Resources website, accessed June 20, 2010 at 3:44pm).

There are multiple offices to which individuals are directed for a variety of problems. There is
probably overlap among the cases that are handled by different offices, so it is not possible to
determine how many cases in total are being brought forward each year. Also, although the
office heads officially charged with handling student and employee grievances and issues
indicate they often consult with each other, there does not appear to be a structured system in
place for reporting or documenting the number or type or resolution of issues over time.

Grievance Information -- Enacted Practices

Individual interviews were conducted with unit heads throughout the College, including
administrators, department chairs, and union stewards, to gain insight into grievance policies and
procedures and practices. More specifically, the goals of the interviews were to understand the
frequency with which various offices are approached to assist in addressing concerns, awareness
of published grievance policies, the types of issues that are being expressed, and the outcomes or
resolutions of grievances.
Student Grievance Information from Interviews with Unit Heads

A broad finding from the interviews was that students make up the largest group of individuals who seek support for various grievances, ranging from academic and administrative issues to inappropriate interpersonal and discriminatory treatment. Of the unit heads that referenced student grievance processes, a vast majority described faculty actions and/or behaviors as the primary focus of student complaints, followed by concerns about staff. Several interviewees noted the lack of clarity of documented procedures and the need for additional policies not currently available for student issues relating to faculty conduct and grade appeals.

Students have reportedly approached department chairs, the Ombudsman, the Office of the Vice Provost and Associate Vice Provost, the Office of Community and Diversity, the Office of Admissions and Enrollment Services, and the Office for Campus and Auxiliary Services for such concerns as advisor accessibility, class assignment feedback and grading, final course grading and grade appeals, programmatic issues (e.g., doctoral certification, class offering, student-sponsor matching), discriminatory treatment (e.g., disrespectful and inequitable treatment, racist comments and behaviors, discriminatory field placements), admissions and housing issues. The procedures most frequently described and enacted by unit heads working with student grievances consisted mainly of informal and individualized processes. More specifically, interviewees disclosed approaching problems on a case-by-case basis and serving in multiple roles, including informal mediator, advisor, intermediary, referral source, coach, and consultant. Many interviewees reported receiving little or no support from the College when engaging in these processes. Subsequently, department chairs and program coordinators frequently spent a great deal of time resolving student issues. Based on the interviews overall, it
is unclear if and how student grievances were resolved due to the individualized nature of the enacted procedures.

*Faculty Grievance Information from Interviews with Unit Heads*

The majority of the unit leaders interviewed stated that they did not hear many faculty grievances against other individuals and that instead, conflicts or issues centered around College policies or resource allocations. Of the grievances reported by faculty, however, interpersonal conflicts between faculty members were the most frequent conflicts described and were mainly attributed to perceived racism and intercultural issues. Of the six unit leaders reporting knowledge of grievances between faculty, three of them were related to racial issues.

Academic unit leaders were most often knowledgeable of faculty grievances and worked toward resolving them. For issues related to resources, one unit leader stated that extra funds had been distributed to junior faculty in the past to reduce pre-tenure stresses. Most interpersonal grievances were mediated by unit leaders. How these conflicts were resolved is unknown. Finally, grievances heard by non-academic unit leaders were related to academic policies. These issues were resolved through the Provost’s and Vice Provost’s office by among other things referencing written policies.

*Professional Staff Grievance Information from Interviews with Unit Heads*

Of the interviews conducted, knowledge of professional staff grievances was referenced mainly by non-academic unit leaders. Professional staff grievances fell within the categories of performance issues, concerns professional staff had with how they were evaluated, and interpersonal conflicts with staff and faculty. At least one unit leader was aware that HR policy 205 outlines the formal grievance procedure for professional staff, but stated that during his/her
time at the College, grievances have been handled informally. Informal methods included meeting with the academic unit leaders, supervisor, administrator, human resources, or consulting with the Ombudsman or The Office of Community and Diversity. Interpersonal conflicts were also handled informally and were mainly handled through conflict mediation by the unit leader. The process referenced for resolving performance grievances included meeting with an HR generalist to create a performance contract with the manager and employee. This particular procedure has been developed by HR and was presented as a model for other offices to follow. There was no reference to this practice in any of the other interviews, and it is unknown to what extent it is followed within offices throughout the College.

Union Employee Grievance Information from Interviews with Unit Heads

Many of the unit leaders interviewed noted union staff grievances. Complaints brought forth by union employees commonly pertained to contractual, disciplinary, and interpersonal issues between union staff members or union employees and supervisors. More specifically, union staff grievances referenced in the interviews included denial of vacation time, unfairly imposed discipline, contract violations (e.g., overtime), and perceptions of unequal expectations among union staff, professional employees and faculty. All the interviewees that acknowledged union complaints were aware of the formal grievance procedures for union staff as documented in the respective contracts and distinguished the union staff procedures as being more formalized and clearly defined than that of other groups at the College. When approached by a grieving union member, certain unit leaders expressed their preference to defer to the formal union procedures whereas others indicated utilizing informal resolution processes so as to avoid the necessity for formal procedures. Numerous interviewees also noted that within the union
grievance procedures, there is no clear delineation of what can be grieved (e.g., contractual violations or disciplinary actions) nor is there a documented conflict resolution procedure. In dealing with complaints, union staff members reportedly approached direct supervisors, union shop stewards, and various campus unit leaders.

Discussion of Grievance Information from Interviews with Unit Heads

Of the unit heads interviewed, they were most familiar with formal policies and procedures related to filing union grievances. Yet as stated previously, informal procedures for grievance resolution were both recommended as preferable in published policy and procedure documents and most frequently utilized by unit leaders across the College. The pattern of addressing issues across units was reportedly very different and seems fairly idiosyncratic to the individual unit heads. This individualized approach to addressing grievances not only provides a limited system of checks and balances to ensure that informal procedures are equitable and adequate, but places unit leaders in the role of deciding if and when a complaint is legitimate. Analysis of the various policies and procedures reveals the fact that a limited number of individuals in the College actually have the authority and power to resolve grievances.

Additionally, it was fairly clear from the interviews that there is a dearth of policies and procedures articulating the types of issues grievable by students, including complaints about faculty behavior. As stated within some of the interviews, academic unit leaders frequently handled grievances brought by students, but there appears to be little evidence of a feedback loop for faculty or even a mechanism for redress from students or unit leaders. In other words, it is not clear if grievances filed about faculty members are ever communicated to them on the part of unit heads or students. Additionally, students are encouraged to approach unit leaders for various
concerns, but this may become problematic particularly when students have a grievance with a unit leader. Seeking guidance from the Ombudsman and/or the Vice President of the Office of Community and Diversity may lead to little resolution given that these individuals function as liaisons and advocates with little authority or power over College employees.

Based on the unit head interviews, there is evidence to suggest that professional staff do not have outlets to address their concerns without perceived fear of retaliation (this may also be a perception held by students and instructional employees). Professional staff seem to live in what quite a significant number of people referred to as “a culture of fear”.

One of the things that happen in informal systems is that the institution does not know what is going on. There is a sense that the issues that come up are not reported or documented in any way. The informal procedures maintain the status quo (i.e., those in positions of power prevail with few checks and balances, except in rare cases), by investing power and authority in the people who already have it. The informality makes it hard to have accountability. It makes it hard to know what is going on in the institution. What is not reported? What is reported and then minimized? This creates a very non-transparent system/climate. What happens with problems? From a community perspective informality makes it hard to know how things get handled. This was particularly apparent at the academic level: it is not clear how other units handle similar issues or how a particular person may handle issues. The situation of informality in this instance may produce a lack of consistency, which could also introduce unchecked and unknown biases on the part of the decision makers.

The information gleaned from the unit head interviews does not provide a lot of ways to help us understand the more complex issues within and between particular groups. If a faculty member has an issue with a faculty colleague, how does that get handled? If a student has an
issue with a faculty member that is not course related, how does that get handled? If a faculty member has a problem with a staff member, there is little s/he can do. If the supervisor won’t bring an issue forward, there is no process for mediation. Additionally, there appears to be no mechanism to see if complaints are piling up about any particular individual(s).

An admitted limitation of the methodology employed for this component of the project is that we only interviewed unit leaders, the individuals charged with handling grievances. The perspectives of staff, faculty, and students who may or may not have filed grievances may further point to gaps in (a) what counts as grievable concerns, (b) what is known about filing grievances and who has access to this information, (c) the sense of satisfaction regarding how a grievance is resolved, and (d) the adequacy of informal procedures for resolving grievances.
Published Policies and Procedures for Students

The policies and procedures listed in the section below were compiled from the Teachers College Student Handbook (2009-2010) in addition to the College’s website. The condensed list documents the policies and procedures for students that pertain to grievances that are diversity-related and/or anti-discrimination in nature. Where deemed appropriate, brief policy descriptions are included followed by any procedures aligned with the stated policy. For full delineation of policies and procedures, please see the student handbook and the noted websites.

The following section does not include information specific to harassment as the policies and procedures that pertain to harassment complaints are the same for all members of the College community. For a condensed list of harassment policies and procedures, please refer to the faculty section.

- **Non-discrimination Policy**
  - **Policy** - “Teachers College does not discriminate on the basis of race, color, religion, creed, sex, sexual orientation, national origin, ancestry, age, marital status, citizenship status, veteran status, disability or any other criterion specified by federal, state or local laws, in the administration of its admissions, employment and educational policies or scholarship, loan, athletic and other school-administered programs…”
  
  - **Procedure** - “…. may wish to speak with the Office of the Vice Provost,… the Vice President for Diversity and Community, Janice Robinson,… or the Ombudsman, Erwin Flaxman,…..”
    (http://www.tc.columbia.edu/diversity/?Nondiscrimination Policy)

- **Ombuds for Students, Faculty, and Staff**
  - **Policy** - “The College Ombudsman is available to students for resolving problems and conflicts after normal processes have not worked satisfactorily or when they no longer want to pursue their concerns through usual channels. Students can also meet with the Ombudsman when they do not know where else to go for help. They should, however, attempt to resolve their problem or register complaints with their advisors, instructors, or the staff of College offices before coming to the Ombudsman. All parties involved in an issue or resolution of a problem are asked to cooperate with the Ombudsman. The Ombudsman adheres to all policies and practices of Teachers College and to standards of professional practice.”

- **Diversity and Non-Discrimination**
Policy on Non-Discrimination - “Continuing its long-standing policy to support active equality for all persons,…” (same as statement above for Non-Discrimination Policy)

Procedure - “Students with concerns about the application of civil rights laws (including Title IX, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and the Age Discrimination Act) may wish to speak with the Office of the Vice Provost,… the Vice President for Diversity and Community, Janice Robinson,… or the Ombudsman, Erwin Flaxman,….” (http://www.tc.columbia.edu/diversity/?Nondiscrimination Policy)

Policy on Protection from Harassment - “Teachers College is committed to providing a working and learning environment free from harassment and to fostering a vibrant, nurturing community founded upon the fundamental dignity and worth of all its members. Consistent with this commitment and with applicable federal, state, and local laws, it is the policy of the College 1) not to tolerate harassment in any form, 2) to actively foster prevention of harassment in the TC community and 3) to provide faculty, students, administrators, and staff with mechanisms for seeking informal or formal resolution.”

Procedure - “Procedures for addressing complaints about harassment. All members of the College community are expected to adhere to this policy and to cooperate with the procedure it describes for responding to complaints of harassment. They are also encouraged to report any conduct they believe to be in violation of this policy. Management and supervisory personnel in particular are responsible for consulting with the appropriate College resources as described in the College Procedures for Handling Harassment in order to take reasonable and necessary action to prevent harassment in the workplace and to respond promptly and effectively to any such claims.” (http://www.tc.columbia.edu/diversity/?Harassment Policy and Procedure)

Resolving Problems and Concerns

Policy - (same as statement above for Ombuds for Students, Faculty, and Staff)

Services for Students:
The Ombudsman will: Discuss a student’s concerns and identify and evaluate options for resolving them.
- Provide needed information about policies and procedures for dealing with a problem.
- Investigate a complaint and gather information.
- Create lines of communication and convene meetings, if necessary, for resolving a student’s problem. Please note: The Ombudsman will always act as a neutral party. The Office of the Ombudsman does not report to any Teachers College administrative office.
- Identify a student’s problem that requires changes in College policies and procedures.
Confidentiality: All conversations with the Ombudsman are strictly confidential and will not be discussed with anyone without the student’s permission in writing, nor may anyone compel the Ombudsman to reveal any information.

Impartiality and Independence: The Ombudsman is an advocate for the solution of the problem, not for any involved party, and gives equal attention and protects the rights of all concerned parties.

Access: The Ombudsman is available by appointment.

Notice: The use of the services of the Office of the Ombudsman does not substitute for a formal grievance procedure. *A communication with the Office is off-the-record and does not put Teachers College on notice of a problem*. If an individual wishes to put the College on notice, the Ombudsman can provide the information about how to do so.” *(italics added for emphasis)*

- **Procedure for Student Grievance-** “Grievance procedures are available to students who have concerns or complaints about aspects of their work and life at Teachers College. Students who are not certain which procedures are appropriate may wish to contact the Office of the Vice Provost,… or the Ombudsman, Erwin Flaxman,…”
Published Policies and Procedures for Faculty

The policies and procedures listed in the section below were compiled from the Teachers College Faculty Handbook (2006-2007) and the Teachers College Policy on Protection from Harassment (August 7, 2007). The condensed list documents the policies and procedures for faculty that pertain to grievances that are diversity-related and/or anti-discrimination in nature. Where deemed appropriate, the type of grievance, a brief policy description, and any procedures aligned with the stated grievance policy are documented. For full delineation of policies and procedures, please see from the Teachers College Faculty Handbook (2006-2007) and the Teachers College Policy on Protection from Harassment (August 7, 2007).

1. Type of grievance: Harassment

   I. Definitions of Harassment:
      i. “…any action that impedes the performance or experience of others as employees or students at TC” (p.1).
      ii. “…subjecting an individual to humiliating, abusive, or threatening conduct that creates an intimidating, hostile, or abusive work environment; alters the conditions of employment; or unreasonable interferes with an individual’s work performance on the basis of that individual’s membership in a protected group” (p.2).
      iii. On p. 3, the policy gives examples of sexual harassment.
      iv. *Note: The primary focus of the policy is on “sexual” harassment but notes that other forms of harassment are protected under the same guidelines.

   b. Policy: Faculty, students, administrators, and staff should not have to tolerate harassment “in any form” (p.1)

   c. Procedure: Faculty, students, administration, and staff may contact any of the following “for advice or solicit feedback regarding their interpretation of events” (p.3)
      1) Harassment Panel
      2) Human Resources Office
      3) Union Shop Stewards
      4) Diversity & Community Office, and/or
      5) College Ombudsman
      *Note: The policy notes that the Ombudsman “operates under strict confidentiality”

   I. Harassment Panel (HP)
      i. The policy notes that the HP is “the primary vehicle” through which concerns related to harassment are addressed.

   II. Ways the complainant can deal with concern(s) of harassment
      i. Deal directly with the alleged
      ii. File an Informal Complaint to HP
iii. HP may then offer Mediated solution, with input from the Mediation Clinic at Columbia Law School or the International Center for Cooperation and Conflict Resolution at TC.

iv. If Informal and/or mediation has failed or if the complainant wants to make a Formal Complaint from the outset, “the complainant may present a formal, written complaint to the Office of the Vice President to whom the person being complained about reports” (p.7). The policy further specifies what the written statement must entail.

III. The policy then goes on to specify:
   i. Determining whether the complaint warrants further investigation
   ii. Procedures for how the formal investigation is conducted
   iii. Procedures for how the hearing & resolution of the investigation is conducted
   iv. Types of disciplinary actions or sanctions that may be recommended/requested
   v. Appealing process
   vi. Circumstances in which a private investigation may be warranted

IV. Further notes:
   i. The policy notes that “absolute confidentiality cannot be guaranteed. However, everyone involved will be urged to maintain confidentiality to the extent possible” (p.5).
   ii. On p.9 the policy notes, “…employees covered by collective bargaining agreements may utilize the grievance procedures provided in their respective agreements.”
   iii. On p.11 the policy notes that issues of harassment involving a Columbia University (CU) student, faculty, or staff, should be addressed with the Office of Equal Opportunity and Affirmative Action at the CU campus.

2. Type of grievance: Termination

   a. Policy:
      I. “Any teachers who are threatened, for cause, with termination of a continuous appointment or dismissal prior to the expiration of a term appointment shall, if they so request, be given a hearing by the Faculty Advisory Committee” (p. 11)

      II. Termination of a continuous appointment because of financial exigency of the College, or because of major modifications of program, shall be approved by the President subject to the regular safeguards provided through the Faculty Advisory Committee. In such cases every effort shall be made to find suitable alternative uses for the services of the affected staff members. Teachers on continuous appointment who are dismissed for reasons not involving negligence or moral turpitude shall receive their salaries for at least a year from the date of notification of dismissal, whether or not they are continued in their duties of instruction.

      III. *Notes: The rights of faculty (e.g., being present for the hearing) are further described on p. 11.
b. Procedures:
I. “Following the hearing the Committee shall report its findings, with recommendations, to the President and to the accused. The provisions of Paragraph 13 following shall then be followed” (p. 11)

II. Paragraph 13 reads as follows – “Grievances of academic appointees shall first be considered or given a hearing through regular administrative channels. If action taken is not satisfactory to the complainant, appeal may be taken to the Faculty Advisory Committee (Section III-G). This Committee shall hear the issue and present its findings, with recommendations, to the President. If the recommendations are accepted by the President, this action shall be considered final. If not, the recommendations of the Faculty Advisory Committee with the reasons therefore shall be transmitted to the Trustees by the President with the President's reasons for rejection and a proposal for resolving the difficulty. Action by the Trustees shall be final. Any academic appointee or appointees may, at their discretion, present evidence, or be heard, on such issue, before the Faculty Advisory Committee.”

Type of Grievance: Complaints

a. Policy on Conflicts of Interest and Conflicts of Commitment

Adopted: December 6, 2001, Effective: January 2002
Revised September 2, 2005 (KTE)
Adopted by Senior Staff September 6, 2005

All decisions made by faculty and professional staff of the College in the course of their professional responsibilities are to be made in a manner to promote the best interests of the College and to avoid actual, perceived, or potential conflicts of interest. A conflict of interest arises if there is actual divergence between the private interests of a member of the College faculty or professional staff and his or her professional obligations to the College. A potential conflict of interest exists when circumstances may lead to a divergence between the private interests of a member of the faculty or professional staff and his or her professional obligations to the College. These circumstances may arise, for example, when a member of the faculty or professional staff is in a position to influence any College business transaction, research, or other activity or decisions in a way that could lead to any manner of form of personal gain from any source, other than established compensation, for the employee, or for his or her family members. A perceived conflict of interest exists when an independent observer might reasonably question whether the professional actions of a member of the faculty or professional staff are determined or influenced by considerations of personal gain, financial or otherwise.

b. Procedure on Conflicts of Interest and Conflicts of Commitment
In the event that a member of the faculty or professional staff shall have a financial, personal, or professional interest that could constitute a conflict of interest in any transaction involving the College, he or she shall, as soon as he or she knows of the transaction: (1) disclose fully in writing the precise nature of his or her interest in such transaction to the Vice President for Academic Affairs and Dean of the College, and (2) refrain from participation (including acting individually or as a member of a committee or other group) in the College’s consideration of the proposed transaction unless expressly permitted in writing to do so by the Dean or President.” (Faculty Handbook AY06-07, Version 1 (September 2006) Section 6, page 23-24)
Published Policies and Procedures for Professional Staff

The policies and procedures listed in the section below were compiled from the Teachers College Professional Staff Manual (web version) and the Office of Human Resources website. The condensed list documents the policies and procedures for professional staff that pertain to grievances that are diversity-related and/or anti-discrimination in nature. Where deemed appropriate, the type of grievance, a brief policy description, and any procedures aligned with the stated grievance policy are documented. For full delineation of policies and procedures, please see the Teachers College Professional Staff Manual (web version) and the Office of Human Resources website.

I. Professional Staff Policy Manual>
Chapter 2: Employment Policies & Procedures>
209 Rights and Responsibilities

Policy on Professional Conduct
Employee Rights
- Problem Resolution. Employees have access to problem resolution in procedures. Procedures for such disputes are contained in "various appropriate" policy documents available through Human Resources.
- Freedom from sexual harassment. The employee has the right to work without sexual harassment. The College has a responsibility to educate its staff about the College's sexual harassment policy, and the procedures used under this policy to protect accused and accuser.
- Freedom from discrimination. The employee has the right to be treated without bias. The College has the responsibility to treat with equal concern and fairness all persons without regard to their race, color, religion, creed, sex, sexual orientation, national origin, ancestry, age, marital status, citizenship status, veteran status, disability, or any other criterion specified by federal, state or local laws.” (Office of Human Resources website, accessed January 27, 2010 at 2:58pm)

II. Policies & Procedures>
Professional Staff Policy Manual>
Chapter 2: Employment Policies & Procedures>
205 Problem Resolution Procedures

“Effective Date 11/1/98, Supersedes 6/1/86

Problem Resolution Procedures
When a professional staff member believes that he or she is being treated unfairly in a matter relating to his or her job, the professional staff member should bring the problem to the attention of the appropriate supervisor, who should attempt to resolve the problem.

If the problem is not resolved to the satisfaction of the professional staff member, he or she should take the following steps:

1. The professional staff member should bring the problem to the attention of his or her department head, preferably in writing. Within 15 days of receiving the notice, the department head will arrange a meeting with the immediate supervisor and professional staff member. A serious attempt should be made to resolve the problem.

2. If the problem still remains unresolved, the professional staff member may bring the problem to the attention of the Director of Human Resources, in writing. Within 15 days of the meeting outlined in the previous paragraph, the professional staff member will meet with the Director of Human Resources, the department head, and the immediate supervisor.

3. If the problem still remains unresolved and the professional staff member wishes to pursue the matter further, he/she must, within 15 days, submit to the Vice Presidents or to the Dean, as appropriate, a written description of the problem. After reviewing the documentation and related material with the department head and the Director of Human Resources, the Vice Presidents or the Dean, will respond to the professional staff member in writing.

4. If the problem still remains unresolved then the professional staff member may approach an ad-hoc grievance committee of the professional staff. This committee would conduct fact-finding, discovery and make a recommendation to the appropriate Vice President for Finance and Administration or the Dean.

The time limits identified above are subject to modification, at any one step, by mutual consent.

Based on the College Statutes, if the professional staff member is not satisfied with the response of the ad-hoc grievance committee, he/she may submit the problem to the Faculty Advisory Committee (FAC), which is empowered to obtain and consider relevant information. The professional staff member may be required to appear in person before the Faculty Advisory Committee. The findings and recommendations of the Committee would be presented to the President, and if the President accepts the FAC's recommendations, the matter is considered closed. If the President disagrees with the findings, the President must submit the Faculty Advisory Committee's findings and recommendations to the Trustees, along with the President's reasons for rejecting the Committee's recommendations and the President's proposed resolution to the problem. Any action by the Trustees in regard to the problem is final.

The individual has the right to have counsel of his/her choosing or be represented by the counsel during the process. Costs associated with such counsel will be borne by
the complainant.” (Office of Human Resources website, accessed September 21, 2009 at 3:05pm, and again January 27, 2010 at 2:35pm)

III. Policies & Procedures>
   Crisis/Grievance/Conflict Resolution>
   Harassment Policy and Panel>
   Teachers College Policy on Protection from Harassment (August 7, 2007)
   (http://www.tc.columbia.edu/i/a/document/6022_Harrassment.pdf)

Harassment Policy and Panel

“Teachers College ("TC" or the "College") is committed to providing a working and learning environment free from harassment and to fostering a vibrant, nurturing community founded upon the fundamental dignity and worth of all of its members. Consistent with this commitment and with applicable federal, state, and local laws, it is the policy of the College 1) not to tolerate harassment in any form, 2) to actively foster prevention of harassment in the TC community, and 3) to provide faculty, students, administrators, and staff with mechanisms for seeking informal or formal resolution. [MORE TO ADD]” (Office of Human Resources website, accessed January 27, 2010 at 2:56pm; could not access on January 28, 2010 at 5:14pm)

• Office of Human Resources
   Policies & Procedures> Crisis/Grievance/Conflict Resolution> Grievance Procedures
   (http://www.tc.columbia.edu/admin/hr/index.asp?Id=Policies+%26+Procedures&Info=Crisis+%2FGrievance%2FConflict+Resolution&Area=Crisis%2FGrievance%2FConflict+Resolution&FourthId=Grievance+Procedures)

Grievance Procedures

“When work related conflicts arise, employees are encouraged to resolve differences directly with supervisors and/or higher level supervisors. When these efforts fail, employees may employ established grievance procedures. Such procedures are available for every member group in the college - students, union members, professional staff, and faculty.

Professional Staff should refer to the Professional Staff Policy Manual for problem resolution procedures. Beginning with the immediate supervisor and moving progressively to higher levels, staff members may seek to resolve problems. After following these procedures, and if the problem remains unsolved, then the professional staff member may approach an ad hoc grievance committee of the professional staff. This committee would conduct fact-finding, discovery and make recommendations to the appropriate Vice President or the Dean. Based on the College Statutes, if the professional staff member is not satisfied with the response of the ad hoc grievance committee, he/she may submit the problem to the Faculty Advisory Committee (FAC), see below under Faculty. The individual has the right to have counsel of his/her choosing and/or be represented by counsel during the process.
Office of Human Resources
Policies & Procedures> Crisis/Grievance/Conflict Resolution> Resources for Crisis/Grievance/Conflict Resolution (http://www.tc.columbia.edu/admin/hr/index.asp?Id=Policies+%26+Procedures&Info=Crisis %2FGrievance%2FConflict+Resolution&Area=Crisis%2FGrievance%2FConflict+Resolution&FourthId/Resources+for+Crisis%2FGrievance%2FConflict+Resolution)

“\textit{The policies website is currently under construction. For information and/or guidance related to personnel policies, please contact your Human Resources representative or the main Human Resources number at extension 3175.}"

This guide has been prepared by the Task Force on Diversity as a convenience to members of the Teachers College community. Any member of the Teachers College community may experience difficulties at work or in personal life for which professional guidance and counseling may be helpful. There are a number of resources for different members of the community listed. We hope you find it helpful.

An Introduction to the Task Force on Diversity
Any member of the Teachers College community may experience difficulties at work or in personal life for which professional guidance and counseling may be helpful. There are a number of resources for different members of the community listed below. This is not a comprehensive list, but a work in progress to which we invite additions and corrections.

Committee for Community and Diversity
Janice Robinson, Esq., Chair - General Counsel to the President & Executive Director of the Office for Diversity and Community, 128 Zankel Hall; Box 220, 678-3732 (jrobinson@tc.columbia.edu)
Members of the Committee for Community and Diversity are listed on the website: http://www.tc.columbia.edu/diversity” (Office of Human Resources website, accessed September 21, 2009 at 3:00pm, and again January 27, 2010 at 2:30pm)
Published Policies and Procedures for Union Employees

The policies and procedures listed in the section below were compiled from the Teachers College Office of Human Resources website. The condensed list documents the policies and procedures for union staff that pertain to grievances that are diversity-related and/or anti-discrimination in nature. Where deemed appropriate, the type of grievance, a brief policy description, and any procedures aligned with the stated grievance policy are documented. For full delineation of policies and procedures, please see the Teachers College Office of Human Resources website.

- Office of Human Resources
  Policies & Procedures> Crisis/Grievance/Conflict Resolution> Grievance Procedures (http://www.tc.columbia.edu/admin/hr/index.asp?id=Policies+%26+Procedures&Info=Crisis%2FGrievance%2FConflict+Resolution&Area=Crisis%2FGrievance%2FConflict+Resolution&FourthId=Grievance+Procedures)

  "When work related conflicts arise, employees are encouraged to resolve differences directly with supervisors and/or higher level supervisors. When these efforts fail, employees may employ established grievance procedures. Such procedures are available for every member group in the college - students, union members, professional staff, and faculty.

  Union Members should refer to their respective Union Contracts and Shop Stewards for assistance with grievances. The current shop stewards are: Local 2110: Isaac Freeman, Unit Chair 678-3700; Stacy Thomas, 678-3484 Local 707: Wavely Cannady, 678-3128; Ivan Santiago 678-3014; Gary Lord, 678-3334 Local 32B&J: Joe Gilchrist, 870-8610” (Office of Human Resources website, accessed September 16, 2009 at 2:25pm)


“ARTICLE 26: Grievance and Arbitration Procedures
The College and the Union recognize that it is in their mutual interest to resolve immediately and amicably, at the lowest level and with the least involvement of supervisory authority, any dispute concerning the application, interpretation, effect, purpose or breach of any term or condition of this Agreement which may arise between them. Therefore, prior to the institution of the formal grievance
procedure set forth in Section B of this Article, the College, the Union and/or any employee may seek to resolve any such dispute informally so long as any resolution of the dispute does not violate the terms of this Agreement and, if one of the disputants is an employee, an authorized representative of the Union is given the opportunity to be present, as required by law.

If any dispute concerning the application, interpretation, effect or breach of any term or condition of this Agreement arises between the College and the Union, the parties shall attempt to settle and adjust the dispute in accordance with the following formal procedures…” (Office of Human Resources website, accessed September 16, 2009 at 3:20pm)

ARTICLE XIII- GRIEVANCES AND ARBITRATION PROCEDURES
1. The parties recognize that it is in their mutual interest to resolve immediately, amicably, at the lowest level, and with the least involvement of supervisory authority, all grievances and other disputes which may arise between them. The following provisions shall be liberally interpreted so as to achieve this end and should not be construed, in any way, to limit informal discussions between any employee and representatives of the College which may be utilized, as in the past, for the purpose of resolving disagreements before they achieve the status of formal grievances.

2. a) If any dispute arises concerning the application, interpretation, effect, purpose or breach of any term or condition of this Agreement, the parties shall attempt to settle and adjust the dispute in accordance with the following procedures…” (Office of Human Resources website, accessed on September 21, 2009 at 3:35pm)

As posted on the Human Resources website, the contract for each union (32BJ- Service Employees, Local 2110- Technical, Office, and Professional Union, Local 707- Facilities, Local 707- Security) includes grievance and arbitration procedures, which clearly outline the steps involved in filing a grievance. The published grievance policies for union employees list: (a) the steps of addressing a grievance clearly and in a comprehensive manner; (b) the time frame necessary for completing each step of the process; (c) and the expectations of both the grieving
individual as well as those persons assisting the complainant. In sum, the formal procedures outlined for filing and resolving a grievance generally include the following steps:

- An oral or written documentation (based on the union) of the grievance is provided by an authorized Union representative or Union steward to the grievant’s immediate supervisor and/or the Director of Human Resources (based on the union), which is followed by a written response from the supervisor;
- If the grievance is not satisfactorily resolved and/or withdraw, the grievance is presented orally or in writing (based on the union) to the Department Head of the Department in which the grievant is employed and/or to the Director of Human Resources (based on the union), which is followed by a written response from either the Department Head or Director of Human Resources (based on the union);
- If the grievance is not satisfactorily settled or withdrawn as a result of the above steps, either party may notice all or part of the grievance for arbitration.