



Cornell University

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GPSA Leadership

Paul Berry  
Nicole Baran  
Elizabeth Newbury  
Monet Dumas  
Christine Yao  
Franziska Doerflinger  
Darrick Evensen

Dear Paul, Nicole, Xine, Fran, Liz, Monet, and Darrick:

I am responding to your 1/21/14 request for information as you work on behalf of GPSA's Student Advocacy Committee. Thank you for your efforts in support of graduate/professional students.

You requested answers to a number of questions. I'll endeavor to provide responses here.

**I. Cornell's Current Policy**

**-What is the University's policy on stipend compensation in the event of a workplace injury where the graduate student is unable to complete his/her teaching or research duties?**

**-What are the rules or policies which determine whether or not the stipend continues to be paid or not paid? What determines the length of time where the stipend is paid or not paid? Is there a committee which makes these decisions? Is there a process of appeals?**

**-Does the University differentiate between whether the student is working as a TA or RA, or is on fellowship in making these decisions?**

RESPONSE: In the event of registered/enrolled graduate student injuries occurring in the course of teaching or research assistant responsibilities, or in the course of conducting research or other scholarly activities while on financial support through a university or other fellowship, each situation is handled on a case-by-case basis so that the response can be tailored to the circumstances. Typically, this includes interactions among the student, the student's graduate field (DGS and often the academic advisor), the Graduate School, and often Gannett, Risk Management, and other campus offices. The Graduate School typically works with the field to provide assistance with academic, personal, and financial concerns. Depending on the situation, a student's responsibilities may be dismissed or shifted for a period of time,

alternative types or sources of financial support may be identified, or other accommodations with the academic plan may be made. In some cases, the academic department provides the stipend; in other cases, the Graduate School provides the stipend.

Under University Policy 1.3 on Graduate Student Assistantships, “A graduate student on an assistantship who needs time away from his or her assistantship responsibilities should confer with the special committee chair and faculty or staff member responsible for oversight(s) to create a way for the student to complete his or her responsibilities at a different time or in a different way.”

[http://www.dfa.cornell.edu/cms/treasurer/policyoffice/policies/volumes/academic/upload/vol1\\_3.pdf](http://www.dfa.cornell.edu/cms/treasurer/policyoffice/policies/volumes/academic/upload/vol1_3.pdf)

If a student believes he or she has not been accommodated fairly under any circumstances, the student is able to invoke and follow the established Grievance Procedure for Graduate Students Relating to Graduate Education and Support:

<http://www.gradschool.cornell.edu/policies-and-forms/grievance-procedures>

Cornell has a health leave of absence (HLOA) process established with Gannett Health Services and the Graduate School. Cornell students may apply for a voluntary leave of absence (a separation of the student from the university) for health reasons, for up to four years. A Health Leave of Absence (HLOA) is recommended when a student's health condition is judged to significantly impair his or her ability to function successfully or safely as a student. It is expected that the time a student takes away from the university for the HLOA is used for treatment and recovery. More information is found:

<http://www.gannett.cornell.edu/services/leaveofabsence.cfm> Benefits for graduate students include:

- Students returning from approved health leaves within the 4 year period are guaranteed any financial support remaining from their original offer of admission modified by any written changes to the financial guarantee made prior to the Health Leave of Absence, although the specific duties associate with that support may be adjusted and the return shall be timed to coincide with normal funding cycles.
- To assist with a smooth transition back into the program, within 3 months of the approved health leave, the field shall provide to the student and to the graduate school an academic plan that may include a variety of milestones, if any, that the student must complete before being considered for readmission to registered student status within the field. This “plan” may also state that no academic work is expected during the leave period.
- Students may request library privileges with support from their academic advisor and director of graduate studies, and pay any applicable fees.
- A student who has SHIP (Student Health Insurance Plan) and needs medical services may be seen at Gannett until the end of their plan year. After the plan year, students may not access services at Gannett but they may call Gannett for a referral to a local

community provider. A student who needs psychological services while on leave will be referred to other providers.

Some examples of cases may help illustrate the various accommodations that have been made in cases of graduate student injury or illness:

- Risk Management paid for SHIP (student health insurance) coverage for a former doctoral student who was injured and whose health insurance coverage had lapsed due to non-registration, non-enrollment. The Graduate School, the department, and Risk Management provided stipend support for the period of time the student anticipated needing to complete a terminal master's degree.
- A TA diagnosed mid-semester with a benign brain tumor requiring immediate surgery was provided with 6 weeks stipend without TA responsibilities. The arrangements were coordinated by the Graduate School with the graduate field's DGS, the TA supervisor, and the special committee chair. The Graduate School contributed one month of stipend.
- A TA who needed medical accommodation received one month of stipend from the Graduate School while a replacement was found for her TA activities.
- For two graduate students involved in a chemical explosion, Risk Management paid out-of-pocket medical expenses; the students returned to the research setting after one week.
- Student needed surgery to fix hand injury. Department of advisor provided stipend support and continuous health insurance support for one semester.
- A teaching assistant was admitted to emergency surgery and experienced complications. The department paid the stipend for the student for 8 weeks and hired another TA to complete the responsibilities. The student returned to complete the degree.
- Students on Graduate School-funded fellowships are permitted to retain the fellowship stipend if they need to take a health leave after the start of the semester; health insurance coverage also remains in place through the year.
- Students on external fellowships must negotiate with the external agency if the student needs to take a health leave. NSF now permits a three-month paid medical leave for NSF Graduate Research Fellows on approved health leaves that have formally been approved both by Cornell and by NSF.

## **II. Workers' Compensation Coverage**

**Our initial research leads us to believe that other major research universities in NY State, such as NYU, all the SUNY schools, and Syracuse provide workers' compensation coverage to graduate students working as TAs and RAs. However, it is our understanding that Cornell believes graduate students working as TAs and RAs are not eligible for NY State Workers' Compensation coverage.**

**-Is this correct? If so, will you explain the University's position and direct us to the specific**

statutory language that the University uses to reach this conclusion?

**Our own initial research has noted that the NYS Workers' Compensation Law states that anyone who receives compensation from an organization (whether or not that organization considers them to be an employee) must receive workers' compensation coverage: "Please note that compensation includes stipends, room and board, and other 'perks' that have monetary value (WCL §3 Group 18)"**

RESPONSE: According to the provisions on the following website (excerpted below), graduate students are excluded from Workers' Compensation coverage under NYS law.

[http://www.wcb.ny.gov/content/main/Workers/Coverage\\_wc/workerWhoNotCovered.jsp](http://www.wcb.ny.gov/content/main/Workers/Coverage_wc/workerWhoNotCovered.jsp)

### **Who Is Not Covered By The Workers' Compensation Law?**

1. Individuals who volunteer their services for nonprofit organizations and receive no compensation. Please note that compensation includes stipends, room and board, and other "perks" that have monetary value (WCL §3 Group 18). Money used solely to offset expenses incurred while performing activities for the nonprofit is not counted as a stipend (WCL §2 [9]);
2. Clergy and members of religious orders that are performing religious duties (WCL §3 Group 18);
3. Members of supervised amateur athletic activities operated on a nonprofit basis, provided that such members are not otherwise engaged or employed by any person, firm, or corporation participating in such athletic activity (WCL §3 Group 18);
4. People engaged in a teaching capacity in or for a nonprofit religious, charitable or educational institution (Section 501(c)(3) under the IRS tax code). (WCL §3 Group 18) To be exempt, the teachers must only be performing teaching duties;
5. People engaged in a non-manual capacity in or for a nonprofit religious, charitable or educational institution (Section 501(c)(3) under the IRS tax code (WCL §3 Group 18). Manual labor includes but is not limited to such tasks as filing; carrying materials such as pamphlets, binders, or books; cleaning such as dusting or vacuuming; playing musical instruments; moving furniture; shoveling snow; mowing lawns; and construction of any sort;

In addition, we did not examine each of the institutions you mention in your question because many of them exist in contexts different from Cornell, i.e., they are not private institutions. We did inquire with colleagues at Syracuse University, however, and learned that Syracuse provides workers compensation coverage for registered/enrolled graduate students only for circumstances in which it is very clear, in the university's judgment, that the graduate student was injured while performing duties for the university and not when the graduate student was performing activities for their own academic purposes or scholarship.

### **III. Other Coverage**

**What is the University policy on partial disability compensation, disability insurance, and long-term medical benefits for graduate students injured in workplace accidents?**

RESPONSE: Cornell does not provide disability compensation, disability insurance, nor long-term medical benefits for graduate students injured in the course of performing their

assistantship responsibilities. Funded graduate students (i.e., students who receive financial aid via teaching assistantships, research assistantships, university fellowships, and most external fellowships) are provided health insurance, which pays for medical expenses for injuries they may sustain. All registered/enrolled students are required to have health insurance. Typically, for situations in which a graduate student is injured in the course of performing his or her assistantship responsibilities or academic scholarship activities while receiving a university fellowship, the Cornell Risk Management office may cover the student's out-of-pocket expenses that the health insurance does not cover.

I have endeavored to address the questions in your email.

In addition, I'll share a few comments regarding statements in Resolution 9: Workers' Compensation Coverage for Graduate Students, passed by the GPSA on February 10, 2014.

**WHEREAS, The frequency and severity of graduate student injuries remains unknown since no mandatory system exists for reporting graduate student injuries to Environmental Health and Safety**

COMMENT: A mandatory system does exist for reporting graduate student injuries; thus the frequency and severity of reported graduate student injuries is known. From University Policy 2.4 Health and Safety: "If someone other than an employee is injured on university-owned or occupied space, have that individual immediately complete a Cornell University Incident Report (see the forms section of this document), and, if assistance is necessary, call the Cornell Police at (607) 255-1111 (or, from a campus telephone or off campus, 911) to report the incident." [http://www.dfa.cornell.edu/cms/treasurer/policyoffice/policies/volumes/facilities/upload/vol2\\_4.pdf](http://www.dfa.cornell.edu/cms/treasurer/policyoffice/policies/volumes/facilities/upload/vol2_4.pdf)

Environmental Health and Safety, with the support of Risk Management and Medical Leaves Administration, supports the University Injury/Illness/Exposure Reporting process. The on-line reporting system allows staff, faculty, students, and guests to report injuries, illnesses, and potential hazardous substance exposures.

**WHEREAS, New York state law makes clear that anyone who receives compensation from a nonprofit organization ...**

COMMENT: See above.

**WHEREAS, Graduate students are therefore currently expected to be personally liable for the significant health, safety, and financial risks required of them as they perform their duties as researchers, teaching assistants and instructors at Cornell**

COMMENT: As noted above, Cornell requires all registered/enrolled students to have health insurance. Cornell pays for that health insurance for graduate students receiving financial aid through research assistantships, teaching assistantships, university fellowships, and some

external fellowships. When reported injuries or illnesses occur in the course of performing responsibilities related to assistantships or scholarship for graduate students receiving financial aid through fellowships, out-of-pocket expenses are often covered by Risk Management. Stipends often continue to be covered as arranged on a case-by-case basis as described above, to tailor the accommodation to the particular circumstance.

I look forward to our meeting on February 17.

Sincerely,

A handwritten signature in cursive script that reads "Barbara A. Knuth". The signature is written in black ink and is positioned above the typed name.

Barbara A. Knuth  
Vice Provost and Dean, Graduate School