



Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct

Volume: 6, Human Resources
Chapter: 4, Prohibited Bias,
Discrimination, Harassment, and
Sexual and Related Misconduct
Responsible Executives: Provost/
Vice President and Chief Human
Resources Officer/Vice President
for Student and Campus Life
Responsible Offices: Workforce
Policy and Labor Relations/Office
of the Title IX
Coordinator/Department of
Athletics and Physical Education
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POLICY STATEMENT

Cornell University is committed to providing a safe, inclusive, and respectful learning, living, and working environment for its students, faculty, and staff members. To this end, through this policy, the university provides means to address bias, discrimination, harassment, and sexual and related misconduct.

REASON FOR POLICY

This policy furthers the university's commitment to creating a learning, living, and working environment free of bias, discrimination, harassment, and sexual and related misconduct, and to meeting applicable legal requirements. Such applicable legal requirements include Title VII of the Civil Rights Act of 1964 (Title VII), Title IX of the Education Amendments of 1972 (Title IX), the Violence Against Women Reauthorization Act of 2013 (VAWA), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act), the New York State Education Law Article 129-B (NYS 129-B), the New York State Human Rights Law, and the Tompkins County Human Rights Law.

This policy, its accompanying procedures, and other mechanisms delineated in the policy set forth the university's standards of conduct. They also set forth the university's processes governing questions, concerns, and reports of bias, discrimination, harassment, and sexual and related misconduct, and investigations and resolutions of claims of prohibited conduct.

ENTITIES AFFECTED BY THIS POLICY

- Ithaca-based locations
- Cornell Tech campus
- Weill Cornell Medicine campuses, which will administer this policy under Weill Cornell Medicine procedures.

POLICY 6.4

Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct

WHO SHOULD READ THIS POLICY

- All members of the Cornell University community

MOST CURRENT VERSION OF THIS POLICY

- www.dfa.cornell.edu/tools-library/policies/prohibited-bias-discrimination-harassment-sexual-misconduct

ACCOMPANYING PROCEDURES

- **Where the respondent is a student** who is alleged to have committed dating violence, domestic violence, sexual assault, sexual exploitation, sexual and gender-based harassment, stalking, aiding prohibited conduct, attempting to commit prohibited conduct, retaliation, and violating an interim measure: titleix.cornell.edu/procedure/
 - **Where the respondent is a faculty member** who is alleged to have committed prohibited discrimination; protected-status harassment, including sexual harassment; sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion; and retaliation: hr.cornell.edu/sites/default/files/documents/faculty_policy6.4procedures.pdf
 - **Where the respondent is a staff member** who is alleged to have committed prohibited discrimination; protected-status harassment, including sexual harassment; sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion; and retaliation: hr.cornell.edu/sites/default/files/documents/staff_policy6.4procedures.pdf
- ◆**Note:** A person against whom a report or formal complaint of prohibited conduct has been made is designated as the “respondent.” A person who is the subject of such a report or initiates a formal complaint of prohibited conduct is designated as the “complainant.”
- ◆**Note:** For complaints against graduate or undergraduate teaching or research assistants arising out of performance of academic assignments, Policy 6.4 procedures governing faculty apply.

POLICY 6.4

Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct

CONTENTS

Policy Statement	1
Reason for Policy	1
Entities Affected by this Policy	1
Who Should Read this Policy	2
Most Current Version of this Policy	2
Accompanying Procedures	2
Related Resources	4
Contacts – Ithaca-Based Locations and Cornell Tech	6
Definitions	11
Responsibilities – Ithaca-Based Locations and Cornell Tech	13
Principles	17
Overview	17
Process Privacy in Applicable Procedures Under this Policy	17
Retaliation and Bad Faith Complaints	18
Procedures – Ithaca-Based Locations and Cornell Tech	19
Introduction	19
Reporting Options, Seeking Advice, and Resources	22
Campus Reporting Options	22
Faculty and Staff Duty to Consult on Potential Sexual and Related Misconduct Involving Students	22
Reporting to Law Enforcement	22
Anonymous Reporting	23
Confidential Resources for Support	23
Special Provisions for Students	25
Amnesty for Alcohol and Drug Use	25
New York State Student Bill of Rights	25
Appendix A: Questions, Concerns, and Reports of Discrimination in Intercollegiate Athletics: Mediation and Resolution Processes	27
Mediation Process	27
Complaint Resolution Process	27
Index	29

Cornell Policy Library
Volume: 6, Human Resources
Responsible Executives:
Provost/Vice President and
Chief Human Resources
Officer/Vice President for
Student and Campus Life
Responsible Offices: Workforce
Policy and Labor
Relations/Office of the Title IX
Coordinator/Department of
Athletics and Physical
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Last Updated: May 30, 2017

POLICY 6.4

Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct

RELATED RESOURCES

University Policies and Information

[University Policy 4.6, Standards of Ethical Conduct](#)

[University Policy 4.7, Retention of University Records](#)

[University Policy 4.9, Legal Defense and Indemnification](#)

[University Policy 5.1, Responsible Use of Information Technology Resources](#)

[University Policy 6.2.10, Establishment of College-Level Academic Employee Grievance Procedures](#)

[University Policy 6.11.3, Employee Discipline \(Excluding Academic and Bargaining-Unit Staff\)](#)

[University Policy 6.13, Disability Accommodation Process for Faculty and Staff](#)

[University Policy 6.13.8, Religious Accommodation](#)

Board of Trustees Policy on Equal Educational and Employment Opportunity

Board of Trustees Policy on Faculty Dismissal

[Campus Code of Conduct](#)

[Code of Academic Integrity](#)

[Collective Bargaining Agreements for Represented Employees](#)

[Cornell University President's Statement on Affirmative Action](#)

[Cornell University President's Statement on Equal Education and Employment Opportunity](#)

Executive Committee of the Board of Trustees Guidelines: March 13, 1975, amended March 13, 2002

[Faculty Handbook](#)

[Graduate School Code of Legislation](#)

Handbook for Teaching Assistants at Cornell

[Human Resources Policy 6.11.4, Staff Complaint and Grievance Procedure](#)

[Open Doors, Open Hearts, and Open Minds: Cornell's Statement on Diversity and Inclusiveness](#)

[Pay Transparency Policy Statement \(PDF\)](#)

[Sexual Harassment and Assault Response and Education \(SHARE\)](#)

[Student Disability Grievance Procedure](#)

[Student Employment Policies of the Office of Financial Aid and Student Employment](#)

[Title IX Coordinator Office Site](#)

University Resolution 7 Regarding Campus Code of Conduct Compliance with Title IX and President's Acceptance

University Resolution 7-20-11-12 and President's Acceptance

External Documentation

Age Discrimination in Employment Act of 1967

Charter and Code of Tompkins County, Chapter 92

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Volume: 6, Human Resources
Responsible Executives:
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Officer/Vice President for
Student and Campus Life
Responsible Offices: Workforce
Policy and Labor
Relations/Office of the Title IX
Coordinator/Department of
Athletics and Physical
Education
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Last Updated: May 30, 2017

POLICY 6.4

Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct

RELATED RESOURCES, continued

Civil Rights Act of 1991

Code of the City of Ithaca, Pt. II, Ch. 215, Human Rights Protection; Ch. 90, Art VIII, Sexual Harassment
Department of Education

Family Education Rights and Privacy Act (FERPA)

Genetic Information Nondiscrimination Act (GINA) of 2008 (effective November 21, 2009) New York City
Human Rights Law

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act)

New York State Education Law Article 129-B (NYS 129-B)

New York State Human Rights Law

Title IX of the Education Amendments of 1972

Titles VI and VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991 Violence
Against Women Act

Violence Against Women Reauthorization Act of 2013 (VAWA)

University Forms and Systems

Ithaca-Based Locations and Cornell Tech

[Non-Emergency Bias Reporting Site](#)

[Hotline: Silent Witness Form](#)

Weill Cornell Medicine Campuses

[Hotline: Silent Witness Form](#)

Cornell Policy Library
 Volume: 6, Human Resources
 Responsible Executives:
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 Student and Campus Life
 Responsible Offices: Workforce
 Policy and Labor
 Relations/Office of the Title IX
 Coordinator/Department of
 Athletics and Physical
 Education
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POLICY 6.4

Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct

CONTACTS – ITHACA-BASED LOCATIONS AND CORNELL TECH

Direct any general questions about this policy to your college or unit administrative office. If you have questions about specific issues, contact the following offices.

Subject	Contact	Telephone	Email/Web Address
Policy Clarification			
<ul style="list-style-type: none"> Bias Activity 	Department of Inclusion and Workforce Diversity	(607) 255-3976	owdi@cornell.edu diversity.cornell.edu biasconcerns.cornell.edu (online report form)
<ul style="list-style-type: none"> Equal Opportunity in Any Educational Program Activity 	Department of Inclusion and Workforce Diversity	(607) 255-3976	owdi@cornell.edu diversity.cornell.edu biasconcerns.cornell.edu (online report form)
<ul style="list-style-type: none"> Prohibited Conduct Committed by Staff or Faculty Members or Third Parties 	Workforce Policy and Labor Relations (WPLR)	(607) 255-4652	equalopportunity@cornell.edu hr.cornell.edu/about-hr biasconcerns.cornell.edu (online report form)
<ul style="list-style-type: none"> Prohibited Conduct Committed by Students 	Office of the Title IX Coordinator	(607) 255-2242	titleix@cornell.edu titleix.cornell.edu biasconcerns.cornell.edu (online report form)
<ul style="list-style-type: none"> Title IX 	Office of the Title IX Coordinator	(607) 255-2242	titleix@cornell.edu titleix.cornell.edu biasconcerns.cornell.edu (online report form)
Accessibility to Facilities on Campus: Faculty, Staff and Visitors	ADA Coordinator for Facilities	(607) 255-5150	accessibility@cornell.edu
Campus Code of Conduct	Judicial Administrator (JA)	(607) 255-4680	judadmin@cornell.edu judicialadministrator.cornell.edu
Community Resources, New York State	State Universities of New York (SUNY) maintains a list of regional and state-wide resources, including confidential and 24-hour resources. The list is found at www.suny.edu/violence-response/ . The resources are available to Cornell community members.		
Community Resources, Tompkins County	Advocacy Center	24-Hour Hotline: (607) 277-5000 Office: (607) 277-3203	info@theadvocacycenter.org www.theadvocacycenter.org
	Sexual Abuse Nurse Examiner (SANE), Cayuga Medical Center	24-Hour Hotline: (607) 277-5000 Emergency Department: (607) 274-4011 TDD: (607) 274-4513	www.cayugamed.org/content.cfm?serviceID=13#sane

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 Volume: 6, Human Resources
 Responsible Executives:
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 Responsible Offices: Workforce
 Policy and Labor
 Relations/Office of the Title IX
 Coordinator/Department of
 Athletics and Physical
 Education
 Originally Issued: July 8, 1996
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 Last Updated: May 30, 2017

POLICY 6.4

Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct

CONTACTS, ITHACA-BASED LOCATIONS AND CORNELL TECH, continued

Subject	Contact	Telephone	Email/Web Address
Concerns, Reports, and Complaints			
• Bias Activity	Department of Inclusion and Workforce Diversity	(607) 255-3976	owdi@cornell.edu diversity.cornell.edu biasconcerns.cornell.edu (online report form)
• Criminal Activity	Cornell University Police Department (CUPD)	Emergencies: 911 Non-emergencies only: (607) 255-1111	www.cupolice.cornell.edu
• Prohibited Conduct Committed by Staff or Faculty Members	Workforce Policy and Labor Relations (WPLR)	(607) 255-4652	equalopportunity@cornell.edu hr.cornell.edu/about-hr biasconcerns.cornell.edu (online report form)
• Prohibited Conduct Committed by Students	Office of the Title IX Coordinator	(607) 255-2242	titleix@cornell.edu titleix.cornell.edu biasconcerns.cornell.edu (online report form)
• Title IX Claims Arising in Athletics	Associate Director of Athletics/Senior Woman Administrator	(607) 255-8283	athletics@cornell.edu
Counseling and Support			
	Cornell United Religious Work (CURW)	(607) 255-4214	www.curw.cornell.edu
	Counseling and Psychological Services (CAPS)	Business Hours: (607) 255-5208 24 Hours: (607) 255-5155	https://health.cornell.edu/services/counseling-psychiatry
	Empathy, Assistance, and Referral Service (EARS)	(607) 255-3277 (255-EARS)	ears.dos.cornell.edu
	Faculty and Staff Assistance Program (FSAP)	(607) 255-2673 (255-COPE)	fsap.cornell.edu
	Lesbian, Gay, Bisexual, Transgender Resource Center	(607) 255-4406	lgbtrc@cornell.edu dos.cornell.edu/lgbt-resource-center
	Victim Advocate	(607) 255-1212	victimadvocate@cornell.edu https://health.cornell.edu/services/counseling-psychiatry
	Women's Resource Center	(607) 255-0015	wrc@cornell.edu dos.cornell.edu/womens-resource-center
Disability Accommodation Requests from Faculty or Staff Members	Medical Leaves Administration	(607) 255-1216 (607) 255-1260	hr.cornell.edu/hr-policies/all-faculty-and-staff
Disability Accommodation Requests from Students	Student Disability Services (SDS)	(607) 254-4545	sds_cu@cornell.edu sds.cornell.edu

Cornell Policy Library
 Volume: 6, Human Resources
 Responsible Executives:
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 Chief Human Resources
 Officer/Vice President for
 Student and Campus Life
 Responsible Offices: Workforce
 Policy and Labor
 Relations/Office of the Title IX
 Coordinator/Department of
 Athletics and Physical
 Education
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 Last Updated: May 30, 2017

POLICY 6.4

Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct

CONTACTS, ITHACA-BASED LOCATIONS AND CORNELL TECH, continued

Subject	Contact	Telephone	Email/Web Address
Disability Accommodation for Applicants for Employment	Workforce Policy and Labor Relations (WPLR)	(607) 255-4652	equalopportunity@cornell.edu hr.cornell.edu/about-hr biasconcerns.cornell.edu (online report form)
Disability Accommodation for Visitors	Infrastructure, Properties, and Planning	(607) 255-5150	
Discrimination and Harassment Advisors	Workforce Policy and Labor Relations (WPLR)	(607) 255-4652	equalopportunity@cornell.edu hr.cornell.edu/about-hr hr.cornell.edu/our-culture-diversity/diversity-inclusion/harassment-discrimination-and-bias-reporting-0
Educational Programs and Resources	Cornell Interactive Theatre Ensemble (CITE)	(607) 254-2759	hr.cornell.edu/professional-development/training/cite
	Cornell University Police Department (CUPD)	Emergencies: 911 Non-emergencies only: (607) 255-1111	www.cupolice.cornell.edu
	Department of Inclusion and Workforce Diversity	(607) 255-3976	owdi@cornell.edu diversity.cornell.edu biasconcerns.cornell.edu (online report form)
	Office of the Title IX Coordinator	(607) 255-2242	titleix@cornell.edu titleix.cornell.edu biasconcerns.cornell.edu (online report form)
	Skorton Center for Health Initiatives (Cornell Health)	(607) 255-4782	https://health.cornell.edu/initiatives/skorton-center
	Workforce Policy and Labor Relations (WPLR)	(607) 255-4652	equalopportunity@cornell.edu hr.cornell.edu/about-hr biasconcerns.cornell.edu (online report form)
General Employee Relations/Workplace Concerns	Supervisor or local human resources representative	Unit-specific	hr.cornell.edu/find-your-hr-representative
	Recruitment and Employment Center, Direct Service Units	(607) 254-8370	mycareer@cornell.edu hr.cornell.edu/about-hr
	Workforce Policy and Labor Relations (WPLR)	(607) 255-4652	equalopportunity@cornell.edu hr.cornell.edu/about-hr biasconcerns.cornell.edu (online report form)
Language Translation Services	Cornell Health	(607) 255-5155	https://health.cornell.edu/get-care/accessibility-language-services
Medical Assistance	Cornell Health	(607) 255-5155	health.cornell.edu

Cornell Policy Library
 Volume: 6, Human Resources
 Responsible Executives:
 Provost/Vice President and
 Chief Human Resources
 Officer/Vice President for
 Student and Campus Life
 Responsible Offices: Workforce
 Policy and Labor
 Relations/Office of the Title IX
 Coordinator/Department of
 Athletics and Physical
 Education
 Originally Issued: July 8, 1996
 Last Full Review: February 8,
 2017
 Last Updated: May 30, 2017

POLICY 6.4

Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct

CONTACTS, ITHACA-BASED LOCATIONS AND CORNELL TECH, continued

Subject	Contact	Telephone	Email/Web Address
Police Services	Cornell University Police Department (CUPD)	Emergencies: 911 Non-emergencies only: (607) 255-1111	www.cupolice.cornell.edu
Program Coordinator, Diversity and Inclusion Strategies	Department of Inclusion and Workforce Diversity	(607) 255-3976	owdi@cornell.edu diversity.cornell.edu biasconcerns.cornell.edu (online report form)
Phycological or Emotional Support Services, Faculty and Staff Members	Cornell United Religious Work (CURW)	(607) 255-4214	www.curw.cornell.edu
	Faculty Staff Assistance Program (FSAP)	(607) 255-COPE (255-2673)	www.fsap.cornell.edu
	University Ombudsman	(607) 255-4321	ombudsman.cornell.edu
Phycological or Emotional Support Services, Students	Cornell United Religious Work (CURW)	(607) 255-4214	www.curw.cornell.edu
	Counseling and Psychological Services	(607) 255-5208	https://health.cornell.edu/services/counseling-psychiatry
	Dean of Students	(607) 255-6839	dean_of_students@cornell.edu dos.cornell.edu
	Empathy, Assistance and Referral Service (EARS)	(607) 255-3277	ears.dos.cornell.edu
	University Ombudsman	(607) 255-4321	ombudsman.cornell.edu
	Victim Advocate	(607) 255-1212	victimadvocate@cornell.edu https://health.cornell.edu/services/victim-advocacy
Religious Accommodation Requests: Faculty and Staff Members, and Student Employees	Department chair or supervisor	Unit-specific	
	Workforce Policy and Labor Relations (WPLR)	(607) 255-4652	equalopportunity@cornell.edu hr.cornell.edu/about-hr hr.cornell.edu/hr-policies/all-faculty-and-staff biasconcerns.cornell.edu (online report form)
Religious Accommodation Request: Students	Dean of Faculty	(607) 255-4843	theuniversityfaculty.cornell.edu
Reporting a Crime, Ithaca Campus	Cornell University Police Department (CUPD)	Emergencies: 911 Non-emergencies only: (607) 255-1111	www.cupolice.cornell.edu/crimes/bias.cfm
Reporting a Crime, New York City Campuses		911	

Cornell Policy Library
 Volume: 6, Human Resources
 Responsible Executives:
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 Officer/Vice President for
 Student and Campus Life
 Responsible Offices: Workforce
 Policy and Labor
 Relations/Office of the Title IX
 Coordinator/Department of
 Athletics and Physical
 Education
 Originally Issued: July 8, 1996
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 Last Updated: May 30, 2017

POLICY 6.4

Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct

CONTACTS, ITHACA-BASED LOCATIONS AND CORNELL TECH, continued

Subject	Contact	Telephone	Email/Web Address
Title IX Coordinator for Overall Operations and Title IX Compliance Questions	Office of the Title IX Coordinator	(607) 255-2242	titleix@cornell.edu titleix.cornell.edu biasconcerns.cornell.edu (online report form)
Title IX Deputy Coordinator for Staff and Faculty	Director of the Office of Workforce Policy and Labor Relations (WPLR)	(607) 255-4652	equalopportunity@cornell.edu hr.cornell.edu/about-hr biasconcerns.cornell.edu (online report form)
Title IX Deputy Coordinators	For an up-to-date listing of Title IX Coordinator and Deputy Title IX Coordinators, go to titleix.cornell.edu/title-ix-coordinators/ .		
Victim Assistance	Victim Advocate	(607) 255-1212	victimadvocate@cornell.edu https://health.cornell.edu/services/victim-advocacy

POLICY 6.4

Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct

DEFINITIONS

These definitions apply to terms as they are used in this policy.

Bias Activity	Action taken that one could reasonably and prudently conclude is motivated, in whole or in part, by the alleged offender's bias against an actual or perceived aspect of diversity, including, but not limited to, age, ancestry or ethnicity, color, creed, disability, gender, gender identity or expression, height, immigration or citizenship status, marital status, national origin, race, religion, religious practice, sexual orientation, socioeconomic status, or weight.
Complainant	A person who is the subject of a report or initiates a formal complaint of prohibited conduct under this policy. (Compare definition of <i>Respondent</i> .)
Equal Education and Employment Opportunity (EEO)	Federal, state, and local law prohibiting job discrimination based on an EEO-protected status.
Equal Education and Employment Opportunity (EEO) – Protected Status	Identities protected under federal, state, and local equal employment laws and regulations. These include race, ethnic or national origin, color, gender (including pregnancy), age, creed, religion, actual or perceived disability (including persons associated with such a person), ex-offender status, military or veteran status, sexual orientation, gender expression and identity, and an individual's genetic information.
Faculty Member	A person who holds appointment to an academic title (as specified in the Bylaws of Cornell University, Article XVII).
Formal Complaint	A signed, written document from a complainant alleging specific prohibited conduct by a respondent and initiating the applicable resolution procedures under this policy, or a similar written document on behalf of the university, signed by a university official.
Investigation	A systematic inquiry into a formal complaint.
Preponderance of Evidence	The standard of proof required to make a finding of responsibility for prohibited conduct under this policy, defined as "more likely than not" that the respondent committed the alleged prohibited conduct.
Privacy	While not bounded by confidentiality, disclosure of information will be limited and personal information shared only as necessary.
Prohibited Conduct	Conduct that constitutes a violation of this policy. The university has designated different types of prohibited conduct as well as procedures that correspond best with the university's different constituencies. Conduct that constitutes prohibited conduct is set forth and defined in the applicable procedures. Prohibited conduct will be investigated and adjudicated pursuant to the applicable procedures.
Respondent	A person against whom a report or formal complaint of prohibited conduct under this policy is made. (Compare definition of <i>Complainant</i> .)
Sanction	A disciplinary action imposed on an individual after a finding of responsibility. Sanctions are set forth in the applicable procedures.

POLICY 6.4

Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct

DEFINITIONS, continued

Sexual Misconduct	A broad term encompassing any unwelcome behavior of a sexual nature designated as prohibited conduct by the applicable procedures under this policy.
Sexual Violence	A broad term that refers to physical acts perpetrated without affirmative consent. This includes rape, sexual abuse, sexual assault, sexual battery, and sexual coercion, as defined by the applicable procedures under this policy. Sexual violence is a type of sexual misconduct.
Staff Member	An employee of Cornell University who is not a faculty member.
Student	<p>Any person, whether or not incidentally on the university payroll, who is currently registered with the university as a degree or non-degree-seeking candidate in any of Cornell University's undergraduate or graduate divisions.</p> <p>Also any persons not officially registered, and not faculty members or other university employees, if they are:</p> <ul style="list-style-type: none">• Currently enrolled in or taking classes at the university;• Currently using university facilities or property, or the property of a university-related residential organization, in connection with academic activities; or• Currently on leave of absence or under suspension from being a student of the university.

POLICY 6.4

Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct

RESPONSIBILITIES – ITHACA-BASED LOCATIONS AND CORNELL TECH

The major responsibilities each person or office listed below has in connection with this policy are as follows:

Committee on Academic Freedom and Professional Status of the Faculty	<p>Obtain training, as required, from Workforce Policy and Labor Relations (WPLR) on how to recognize prohibited discrimination and protected-status harassment.</p> <p>Adjudicate cases in which an accused faculty member contests an investigation report on the grounds that the alleged behavior arose out of the nature of a subordinate-supervisory relationship with a student, or is protected by academic freedom. Examples of such a relationship include teaching, advising, research, and thesis or dissertation supervision.</p>
Complainant's Advisor	<p>Provide free assistance and representation within the campus disciplinary system to complainants under this policy's procedures for student respondents.</p>
Dean of Faculty	<p>When a faculty member is charged with discriminatory or harassing behavior allegedly rising out of a subordinate-supervisory relationship with a student, or involving an issue of academic freedom, the dean of faculty or designee will:</p> <ul style="list-style-type: none"> • Consult with the provost or appropriate designee, and designate a faculty member to serve as a co-investigator, if appropriate. • Explain in writing to all of the parties the rationale for appointing a faculty co-investigator.
Dean, Vice Provost, Vice President (or Equivalent Unit Head)	<p>Conduct reviews of investigative findings and recommendations, and determine and implement any corrective action, in accordance with the applicable procedures for faculty and staff members.</p>
Department of Inclusion and Workforce Diversity	<p>Provide leadership to the Cornell community in the areas of equal opportunity, affirmative action, and diversity.</p> <p>Promote a learning, living, and working environment that is free from unlawful discrimination and harassment and complies with applicable federal, state, and local laws, university policies, and the university's Affirmative Action Program.</p> <p>Develop, implement, and evaluate various programs for faculty and staff members and students.</p> <p>Administer procedures related to alleged bias activity.</p> <p>Collect and track all reports of bias activity, including sexual and related misconduct, made by faculty and staff members, students, and visitors to the Office of the Title IX Coordinator, Office of the Judicial Administrator, WPLR, and other entities.</p>
Discrimination and Harassment Advisor	<p>Provide advice, suggestions, guidance, or act as a resource for individuals handling issues of discrimination, harassment, or bias, including explaining the definition of prohibited discrimination, protected-status harassment, or bias activity, and offer guidance on the appropriate recourse.</p>

POLICY 6.4

Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct

RESPONSIBILITIES, ITHACA-BASED LOCATIONS AND CORNELL TECH, continued

	<p>Provide information about psychological counseling and support services available to faculty and staff members and students.</p> <p>Accompany and assist complainants during the investigation process, if requested by the complainant.</p> <p>Document reports of bias activity, including sexual and related misconduct, through the Reporting Bias system. See Related Resources.</p> <p>In cases involving students and Title IX concerns, consult with the Title IX Coordinator.</p>
Faculty Co-Investigator	<p>When the alleged harassing or discriminatory behavior is said to have arisen out of the nature of a subordinate-supervisory relationship between a faculty member and a student, or to have potentially involved an issue of academic freedom, collaborate with the investigator in conducting the investigation and preparing the investigation report.</p>
Investigator	<p>Obtain appropriate training and conduct investigations as set forth in the applicable procedures, impartially, promptly, and confidentially.</p> <p>◆Note: The investigator is generally a staff member assigned to WPLR or the Office of the Title IX Coordinator. The investigator may, however, be another individual or entity designated by an appropriate university official to conduct investigations under this policy.</p>
Judicial Codes Counselor	<p>Provide free assistance and representation within the campus disciplinary system to those named as respondents under this policy and the Campus Code of Conduct and to students charged with violations of the Code of Academic Integrity.</p>
Lead Diversity and Inclusion Strategist	<p>Implement the university Reporting Bias system.</p> <p>Review and refer activity reported through the Reporting Bias system to the Office of the Title IX Coordinator, Office of the Judicial Administrator, WPLR, or the Department of Inclusion and Workforce Diversity.</p> <p>Follow-up by collaborating with human resources leads, residence hall directors, the ombudsman, and other persons as appropriate.</p> <p>Refer complaints, as appropriate, for resolution.</p> <p>Manage the Reporting Bias system including developing and delivering training/education programs and ensuring regular communication of pertinent updates as outlined in the university's reporting requirements.</p> <p>Co-lead the Bias Assessment Review Team (BART) and provide regular reports/presentations on reported bias incidents and outcomes to diversity community and leadership as requested.</p>
Local Human Resources Representative	<p>Obtain training from WPLR on how to recognize prohibited conduct.</p> <p>Refer complaints of prohibited conduct under this policy involving employees to WPLR for resolution.</p> <p>In cases involving students and Title IX concerns, consult with the Title IX Coordinator.</p>

POLICY 6.4

Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct

RESPONSIBILITIES, ITHACA-BASED LOCATIONS AND CORNELL TECH, continued

Office of the Judicial Administrator	<p>Enforce the Campus Code of Conduct.</p> <p>◆Note: The Judicial Administrator is a Deputy Title IX Coordinator and supports the Title IX Coordinator in discharging the responsibilities of the Title IX Coordinator in matters involving students.</p>
Office of Workforce Policy and Labor Relations (WPLR)	<p>Enforce the university's non-discrimination obligations, handling complaints of prohibited conduct against faculty and staff members, and resolving those complaints impartially, promptly, and confidentially through informal intervention, mediation, or formal investigation.</p> <p>Provide education and training programs to faculty and staff members on this policy.</p> <p>Provide training for members of the Committee on Academic Freedom and Professional Status of the Faculty, faculty co-investigators, and discrimination and harassment advisors, as necessary.</p> <p>Work with the appropriate deans and equivalent unit heads to distribute this policy to their directors, department heads, and chairs.</p> <p>Coordinate with the Department of Inclusion and Workforce Diversity, the Office of the Title IX Coordinator, the judicial administrator, and other university offices, as appropriate.</p>
President, University	<p>Receive the investigation report in instances where a provost is named as a respondent in a complaint of prohibited conduct under this policy.</p>
Provost, University	<p>Consult with the dean of faculty or a designee concerning the designation of a faculty co-investigator in instances where a faculty member is charged with prohibited discrimination or protected-status harassment that is alleged to have arisen out of the nature of a subordinate-supervisory relationship with a student, or to have potentially involved an issue of academic freedom.</p> <p>Receive the investigation report in instances where a dean, vice president, or a vice provost is named as a respondent in a complaint of prohibited conduct under this policy.</p> <p>Decide appeals in accordance with applicable procedures.</p>
Senior Woman Administrator	<p>Receive and seek to resolve questions and concerns about, and reports of, discrimination in participation in intercollegiate athletics, as set forth in Appendix A.</p>
Supervisor	<p>Inform faculty and staff members and students under their direction or supervision of this policy.</p> <p>Notify the local human resources representative or, if not available, WPLR or the program coordinator for diversity and inclusion strategies upon observing or receiving a report or complaint of prohibited conduct.</p> <p>Implement any corrective actions that are imposed because of findings of prohibited discrimination, protected-status harassment, sexual assault or violence, or retaliation.</p>

Cornell Policy Library
Volume: 6, Human Resources
Responsible Executives:
Provost/Vice President and
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Responsible Offices: Workforce
Policy and Labor
Relations/Office of the Title IX
Coordinator/Department of
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Originally Issued: July 8, 1996
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2017
Last Updated: May 30, 2017

POLICY 6.4

Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct

RESPONSIBILITIES, ITHACA-BASED LOCATIONS AND CORNELL TECH, continued

Title IX Coordinator	Oversee the university's compliance with Title IX; its ongoing education and primary prevention efforts; its investigation, response, and resolution of all reports of sexual and related misconduct under this policy; and its efforts to eliminate prohibited conduct, prevent its recurrence, and remedy its effects. Be available to meet with any student, employee, or third party to discuss this policy or the accompanying procedures. ◆ Note: The university has also designated Deputy Title IX Coordinators to assist the Title IX Coordinator. The Title IX Coordinator and Deputy Title IX Coordinators can be contacted by telephone, email, or in person during regular office hours. See Contacts.
Title IX Coordinator, Deputy	Support the Title IX Coordinator in discharging the responsibilities of the Title IX Coordinator. See Contacts.
University Counsel	Provide legal counsel, as necessary, to the investigators and decision-makers during the investigation or resolution process.
University Ombudsman	Be a confidential resource for community members.
Vice President for Student and Campus Life	Conduct reviews of Interim Measures under the Procedures for Resolution of Reports Against Students Under Cornell University Policy 6.4 and decide appeals in accordance with those procedures.

POLICY 6.4

Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct

PRINCIPLES

Overview

The university is committed to preventing, responding to, and remedying the effects of bias, discrimination, harassment, and sexual and related misconduct. The university is also committed to providing prompt, fair, and impartial processes for all parties when such prohibited conduct is alleged. In tandem with this policy, to comply with applicable laws, and as a crucial part of its effort to prevent prohibited conduct, the university provides educational, preventative, and training programs for the Cornell community.

Process Privacy in Applicable Procedures Under this Policy

To ensure the integrity of this policy and its applicable procedures (see [Procedures](#) in this document), and to encourage parties and witnesses to participate in matters under this policy, the university recognizes that participants should be protected from unreasonable disclosure of their involvement in processes under any of the applicable procedures, and of any information they reveal during their participation. However, the university also recognizes that there are legal mandates that govern disclosure and afford participants certain rights to disclose information related to matters under this policy.

Accordingly, the university seeks to balance these competing interests by encouraging parties not to reveal any information they learn in the course of their participation in processes set forth in the applicable procedures, other than for the purpose of consulting with advisors and attorneys, and incidental to seeking support and advice from family, clergy, health professionals, and others playing a similar role. Parties are also encouraged to request that any advisors, attorneys, and support persons they consult keep information related to matters under this policy private.

Parties may choose whether to disclose or discuss with others the outcome of a complaint under this policy.

The university prohibits students from distributing documents obtained in the course of their participation in matters under this policy's Procedures for Resolution of Reports Against Students, including, but not limited to, the complaint, interview transcripts, and the investigative record and report, other than for the purpose of consulting with an advisor; incidental to seeking support and advice from family, clergy, health professionals, and others playing a similar role; or as part of a civil, criminal, or administrative legal proceeding.

POLICY 6.4

Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct

PRINCIPLES, continued

As appropriate, in a given case, a university official, such as the Title IX Coordinator, may issue an order restricting the parties from disclosing specific information. Members of the Cornell community who fail to follow an order of a university official may be found to have violated Cornell University's Campus Code of Conduct. Additionally, sharing private information in a manner that harms another individual may constitute retaliation prohibited under this policy. (Retaliation is defined in the applicable procedures and may result in disciplinary action.)

The university will provide other participants, such as witnesses and hearing and appeal panel members, with instructions about respecting and safeguarding private information. Such persons are obliged to comply with the university's rules regarding privacy.

The university will take reasonable measures to protect the privacy of proceedings and records; however, the university cannot and does not guarantee that privacy will be maintained. Privacy does not mean that the university is constrained from divulging facts of proceedings in appropriate circumstances. Additionally, the university may publicly divulge details of an outcome if one of the parties discloses selective portions of the proceedings, or if the matter is involved in litigation.

Retaliation and Bad Faith Complaints

Local, state, and federal laws prohibit any form of retaliation against a person based on that person's participation in any matters under this policy or that person's opposition to protected-status discrimination or harassment. This policy also prohibits retaliation, as defined in the applicable procedures.

At the same time, an individual who believes that they are aggrieved because a complaint under this policy is malicious, knowingly false, or fundamentally frivolous, may invoke the Campus Code of Conduct or any applicable grievance procedure under this policy. A party who brings such a bad faith complaint may be found to have violated this policy's prohibition against retaliation.

POLICY 6.4

Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct

PROCEDURES – ITHACA-BASED LOCATIONS AND CORNELL TECH

Introduction

There are several distinct procedures and other mechanisms for reporting, investigating, and resolving matters under this policy, with each process designed to correspond best with different types of conduct and the university's different constituencies. (See the tables below.) In any given case, the applicable process depends upon both the conduct alleged and the respondent's relationship with the university (student, faculty member, staff member, or third party).

◆**Note:** A person against whom a report or formal complaint of prohibited conduct has been made is designated as the "respondent." A person who is the subject of such a report or initiates a formal complaint of prohibited conduct is designated as the "complainant."

Choose the set of procedures below that corresponds to the conduct and respondent (a) for which you have a question or concern, would like to make a report, or initiate a formal complaint, or (b) against whom such a report or formal complaint has been made.

Procedures under this Policy (Arranged by Respondent)

Respondent	Prohibited Conduct	Procedure	Primary Contact
Student	Where the respondent is a student who is alleged to have committed dating violence, domestic violence, sexual assault, sexual exploitation, sexual and gender-based harassment, stalking, aiding prohibited conduct, attempting to commit prohibited conduct, retaliation, or violating an interim measure.	"Procedures for Resolution of Reports Against Students Under Cornell University Policy 6.4," available at titleix.cornell.edu/procedure/	University Title IX Coordinator 150 Day Hall Ithaca, NY 14853 (607) 255-2242 titleix@cornell.edu biasconcerns.cornell.edu (online report form)
Faculty Member	Where the respondent is a faculty member who is alleged to have committed prohibited discrimination; protected-status harassment, including sexual harassment; sexual violence,	"Procedures for Resolution of Reports Against Faculty Under Cornell University Policy 6.4," available at hr.cornell.edu/sites/default	The Director of Workforce Policy and Labor Relations, serving as the Deputy Title IX Coordinator for staff and faculty members

Cornell Policy Library
 Volume: 6, Human Resources
 Responsible Executives:
 Provost/Vice President and
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 Relations/Office of the Title IX
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 Athletics and Physical
 Education
 Originally Issued: July 8, 1996
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 2017
 Last Updated: May 30, 2017

POLICY 6.4

Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct

PROCEDURES – ITHACA-BASED LOCATIONS AND CORNELL TECH, continued

	including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion; and retaliation.	uit/files/documents/faculty_policy6.4procedures.pdf	391 Pine Tree Road Ithaca, NY 14850 607-255-4652 equalopportunity@cornell.edu hr.cornell.edu/about-hr biasconcerns.cornell.edu (online report form)
Staff Member	Where the respondent is a staff member who is alleged to have committed prohibited discrimination; protected-status harassment, including sexual harassment; sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion; and retaliation.	"Procedures for Resolution of Reports Against Staff Under Cornell University Policy 6.4," available at hr.cornell.edu/sites/default/files/documents/staff_policy6.4procedures.pdf	The Director of Workforce Policy and Labor Relations, serving as the Deputy Title IX Coordinator for staff and faculty members 391 Pine Tree Road Ithaca, NY 14850 607-255-4652 equalopportunity@cornell.edu hr.cornell.edu/about-hr biasconcerns.cornell.edu (online report form)

Other Processes (Arranged by Type of Conduct)

Conduct	Procedure
Acts by Third Parties	This policy does not cover misconduct committed by third parties – persons who are not current students, faculty, or staff members. Where the respondent is a third party alleged to have committed conduct prohibited under this policy, contact the Cornell University Police Department (CUPD) at (607) 255-1111 (or 911 for emergency assistance), the Office of the Title IX Coordinator, or the Office of Workforce Policy and Labor Relations (equalopportunity@cornell.edu).
Acts Covered by the Campus Code of Conduct	The Campus Code of Conduct may govern misconduct by students, faculty members, or staff members that is not covered by this policy. Direct concerns regarding behavior covered by the Campus Code to the Office of the Judicial Administrator (JA) or the CUPD (607) 255-1111 (or 911 for emergency assistance).

POLICY 6.4

Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct

PROCEDURES – ITHACA-BASED LOCATIONS AND CORNELL TECH, continued

Conduct	Procedure
Bias	All community members may direct questions, concerns, or reports of bias, including acts of bigotry, harassment, or intimidation to the Department of Inclusion and Workforce Diversity (DIWD) at (607) 255-3976, TTY: (607) 255-7066, or owdi@cornell.edu . Individuals may file reports by using the online reporting form located at biasconcerns.cornell.edu or by emailing report_bias@cornell.edu .
Discrimination in Intercollegiate Athletics Participation	For questions, concerns, or reports of discrimination in participation in intercollegiate athletics under Title IX (see Appendix A), contact the associate director of athletics/senior woman administrator, at athletics@cornell.edu or TitleIX@cornell.edu
Faculty Reappointment, Promotion, and Tenure	Complaints by faculty of unlawful discrimination in reappointment, promotion, and tenure are governed by appeal procedures set forth in the Faculty Handbook .
Filing a Complaint Externally	At any time, the complainant is free to file a charge externally, that is, by instituting formal proceedings before a local, state, or federal agency, or by filing a lawsuit.
General Inquiries to External Agencies	<p>Questions or concerns about the university's application of Title VII, Title IX, the New York State Human Rights Law, and the Tompkins County Human Rights Law may be addressed to the following:</p> <ul style="list-style-type: none"> • The United States Department of Education, Office for Civil Rights: OCR@ed.gov or (800) 421-3481 • The Equal Employment Opportunity Commission: info@eeoc.gov or (800) 669-4000 • New York State Division of Human Rights: InfoBinghamton@dhr.ny.gov or (888) 392-3644 • Tompkins County Office of Human Rights: (607) 277-4080
Workplace Conduct	Questions, concerns, or reports regarding inappropriate workplace conduct that are not covered by this policy are considered general employee relations concerns and should be directed to one's supervisor, local human resources representative, or the central Division of Human Resources.

POLICY 6.4

Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct

REPORTING OPTIONS, SEEKING ADVICE, AND RESOURCES

Campus Reporting Options

The university encourages all members of the Cornell community who believe that they have experienced misconduct under this policy or become aware of alleged misconduct to report the incident immediately to the university through the appropriate reporting option listed in the tables in [Procedures](#) in this document.

Faculty and Staff Duty to Consult on Potential Sexual and Related Misconduct Involving Students

Cornell faculty and staff members, with the exception of important Confidential Resources for Support, discussed below, are required to consult with the Title IX Coordinator or a Deputy Title IX Coordinator when they become aware of an alleged incident of sexual and related misconduct under this policy, such as dating violence, domestic violence, and stalking, that involves a student as either the complainant or respondent. Thus, in cases of alleged sexual and related misconduct involving students, faculty and staff members may not make anonymous reports. Faculty and staff members should be prepared to share the name, date, time, location, and description of the incident (if known) with the Title IX Coordinator. Other than sharing such information with the Title IX Coordinator, faculty and staff members will maintain an individual's privacy to the greatest extent possible.

When the Title IX Coordinator or a Deputy Title IX Coordinator receives a report of prohibited sexual or related misconduct, they will contact the complainant, if known, or another individual reporting the prohibited conduct to offer support services, including assistance with academic, housing, transportation, employment, and other reasonable and available accommodations.¹ The individual will also be advised of the option to pursue a formal complaint, if such an option is available.

Reporting to Law Enforcement

All individuals are urged to report immediately to law enforcement any conduct that may constitute a crime. An individual who believes they have experienced sexual or related misconduct prohibited under this policy may choose to report to the university and/or to law enforcement. An individual may pursue either, both, or

¹In this policy, various university officials, such as the Title IX Coordinator, are assigned responsibility for performing specific functions. Named officials are authorized to delegate responsibility to other appropriate university officials except where such delegation contravenes university policy. Additionally, named officials and their designees may consult with appropriate university officials, the Office of University Counsel, and subject-matter experts.

POLICY 6.4

Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct

REPORTING OPTIONS, SEEKING ADVICE, AND RESOURCES, continued

neither of these options. Reports to the university and law enforcement may be made simultaneously. To make a report to law enforcement, contact one of the following:

- 911 (for emergencies)
- Cornell University Police Department: (607) 255-1111
- Ithaca Police Department: (607) 272-9933
- New York State Police dedicated 24-hour hotline to report a sexual assault, dating violence, domestic violence, and stalking on campus: (844) 845-7269

Anonymous Reporting

With the exception of faculty and staff members who have a duty to consult, as discussed above, any individual who believes that they have experienced misconduct or becomes aware of alleged misconduct may make an anonymous report by using the online reporting form located at biasconcerns.cornell.edu.

Confidential Resources for Support

The university offers a number of confidential resources for individuals who are unsure whether to report misconduct or who seek counseling or other emotional support in addition to, or without, making a report to the university. For confidential support, one can seek assistance from the following:

- Cornell Health (medical and mental health providers, students only): (607) 255-5155
- The Faculty and Staff Assistance Program (FSAP) (mental health providers, faculty and staff only): (607) 255-2673
- Cornell United Religious Work Chaplains (CURW) (pastoral counseling): (607) 255-6002
- The Ithaca Advocacy Center's 24/7 hotline: (607) 277-5000
- The Cornell Victim Advocate: (607) 255-1212, victimadvocate@cornell.edu
- The Director of the Women's Resource Center (WRC): (607) 255-0015, wrc@cornell.edu
- The Director of the LGBT Resource Center: (607) 254-4987, lgbtrc@cornell.edu
- The University Ombudsman: (607) 255-4321

Conversations with the university's "confidential resources" are kept strictly confidential and, except in rare circumstances, will not be shared without explicit permission, as explained below:

POLICY 6.4

Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct

REPORTING OPTIONS, SEEKING ADVICE, AND RESOURCES, continued

- Cornell Health, FSAP, and CURW will not share with the university's Title IX Coordinator or any other university officials any information disclosed to them in the course of providing medical and/or mental health services or pastoral counseling. These conversations may also be legally privileged in the event of a court proceeding.
- The victim advocate, directors of the WRC and LGBT Resource Center, and the ombudsman will not convey any personally identifiable information to the university Title IX Coordinator or any other university officials; however, they may share with the university Title IX Coordinator de-identified statistical or other information regarding prohibited conduct under this policy.
- The Advocacy Center is independent of Cornell and has no duty to consult with the university.

For confidential support resources other than those listed above, call the New York State Domestic and Sexual Violence hotline at (800) 942-6906.

Cornell's Sexual Harassment and Assault Response and Education (SHARE) website (share.cornell.edu) provides information to the Cornell community about sexual and related misconduct, and offers information about the SHARE partners who provide services, support, reporting options, education, and advocacy.

Even those university officials who cannot guarantee confidentiality will maintain a person's privacy to the greatest extent possible. When the information pertains to sexual or related misconduct, the information provided to a non-confidential resource will be relayed to the Title IX Coordinator or Deputy Title IX Coordinator only as necessary for the Title IX Coordinator to investigate and seek resolution.

POLICY 6.4

Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct

SPECIAL PROVISIONS FOR STUDENTS

Amnesty for Alcohol and Drug Use

◆**Note:** The Amnesty for Alcohol or Drug Use is set forth in New York State Educational Law Article 129-B.

The health and safety of every student at the university is of utmost importance. The university recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that prohibited conduct under these procedures occurs may be hesitant to report incidents due to fear of potential consequences for their own conduct. The university strongly encourages students to report such prohibited conduct. A student bystander or complainant acting in good faith who discloses any incident of prohibited conduct under these procedures to a Cornell official or to law enforcement shall not be subject to action under the university's Campus Code of Conduct for violation of alcohol and/or drug use occurring at or near the time of the commission of the prohibited conduct. While no disciplinary action will be taken, Cornell reserves the right to take steps necessary to address health and safety concerns for the individual and the community, as well as the right to report truthfully to licensing bodies.

New York State Student Bill of Rights

◆**Note:** The Student Bill of Rights is set forth in New York State Educational Law Article 129-B.

All students have the right to:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating violence, sexual assault, sexual exploitation, and stalking treated seriously;
3. Make a decision about whether or not to disclose a crime or prohibited conduct and participate in the university process and/or criminal justice process free from pressure by Cornell University;
4. Participate in a process that is fair and impartial and that provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the university courteous, fair, and respectful health care and counseling services, where available;
6. Be free from any suggestion that the reporting individual is at fault when these crimes and prohibited conduct are committed, or should have acted in a different manner to avoid such crimes or prohibited conduct;

Cornell Policy Library
Volume: 6, Human Resources
Responsible Executives:
Provost/Vice President and
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Relations/Office of the Title IX
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POLICY 6.4

Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct

SPECIAL PROVISIONS FOR STUDENTS, continued

7. Describe the incident to as few university representatives as practicable and not be required to repeat unnecessarily a description of the incident;
8. Be protected from retaliation by the university, any student, the respondent, and/or their friends, family and acquaintances within the jurisdiction of Cornell University;
9. Access to at least one level of appeal of a determination;
10. Be accompanied by an advisor of their choice who may assist and advise a complainant or respondent throughout the university process including during all meetings and hearings related to such process; and
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or Cornell University process.

POLICY 6.4

Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct

APPENDIX A: QUESTIONS, CONCERNS, AND REPORTS OF DISCRIMINATION IN INTERCOLLEGIATE ATHLETICS: MEDIATION AND RESOLUTION PROCESSES

Individuals who have questions or concerns about, or wish to make a report of, discrimination in participation in intercollegiate athletics under Title IX should submit their inquiry or report to the associate director of athletics/senior woman administrator by mail at Teagle Hall, Ithaca, NY 14853 or via email to athletics@cornell.edu or TitleIX@cornell.edu.

The associate director of athletics/senior woman administrator will seek to resolve the matter. If unsuccessful, the following process applies:

Mediation Process

Upon the request of any person involved or alleged to be involved in a dispute, the Office of Workforce Policy and Labor Relations (WPLR) will offer to arrange a mediation of the dispute. Attempts at mediation may occur without an individual filing a written complaint or at any time after a written complaint has been filed.

Complaint Resolution Process

Upon receipt of a written complaint, WPLR will conduct an informal investigation, as follows:

1. WPLR will afford both the complainant and the respondent an opportunity to submit information and documentation regarding the complaint allegations.
2. The investigation will be completed with a written determination issued and forwarded by WPLR to the appropriate university official, if feasible within 45 working days of WPLR's receipt of the complaint. The determination will contain the following information:
 - a. A statement of the allegations under review.
 - b. The position of the parties.
 - c. A finding of facts resulting from the investigation.
 - d. A recommendation of action(s), if any, to be taken by the appropriate university official. The factual findings contained in the

POLICY 6.4

Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct

APPENDIX A: QUESTIONS, CONCERNS, AND REPORTS OF DISCRIMINATION IN INTERCOLLEGIATE ATHLETICS: MEDIATION AND RESOLUTION PROCESSES, continued

determination will be binding upon the appropriate university official for the purposes of this determination.

3. Based upon the determination issued by WPLR, the appropriate university official will decide what action is to be taken, if any. If the action differs from that recommended by WPLR, the university official will confer with WPLR before taking action.
4. The appropriate university official will notify the parties promptly, in writing, of the disposition of the complaint. In the event that discipline of an employee is to be undertaken or the decision involves other elements personal to the respondent or the complainant, information provided to the complainant and the respondent will be in accordance with university policies governing the disclosure of such information.
5. After receipt of the disposition, a party may appeal by submitting a written document to the vice president for student and campus life (VP SCL), 311 Day Hall, Ithaca, NY 14853, either postmarked by or received by the VP SCL within 14 calendar days of the date that the party received the disposition. A party is limited to challenging the determination by WPLR, not the disposition by the appropriate university official. If the appeal is successful, the VP SCL will then consider whether a change in the disposition is warranted. In the appeal, the party must specify with particularity the claimed errors, of either fact or law, in the WPLR determination and explain how such errors likely affected the determination. If the party fails to include such specifics, the appeal will not be considered. The VP SCL's decision on the appeal will be final and not subject to further review. A written decision on the appeal will be forwarded to the parties, if feasible within 30 working days of the vice president's receipt of the appeal.
6. Although the university will make every effort to comply with these timelines, circumstances such as school breaks, or other matters, may require an extension of time.

POLICY 6.4

Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct

INDEX

Accessibility	6	Duty to consult	22, 23, 24
Advisor	13, 17, 26	Emotional support	9
Affirmative Action	4, 13	Equal Education and Employment Opportunity (EEOO)	4, 11
Amnesty for Alcohol or Drug Use.....	25	Equal Employment Opportunity Commission	21
Anonymous report	22, 23	Evidence	11
Associate director of athletics.....	7, 21, 27	Faculty ...	1, 2, 4, 7, 11, 12, 13, 14, 15, 19, 20, 21, 22, 23
Bad faith complaint	18	Faculty and Staff Assistance Program (FSAP)...	7, 9, 23, 24
Bias	1, 6, 7, 11, 13, 14, 17, 21	Faculty co-investigator	13, 14, 15
Bias Assessment Review Team (BART).....	14	Gender-based harassment.....	2, 19
Bias reporting website	5, 6, 7, 8, 9, 10, 19, 20, 21, 23	Harassment	1, 2, 13, 15, 17, 18, 19, 20, 21
Board of Trustees.....	4	Human Resources Policy 6.11.4, Staff Complaint and Grievance Procedure	4
Campus Code of Conduct.....	4, 6, 14, 15, 18, 20, 25	Intercollegiate athletics.....	15, 21, 27
Clergy	17	Interim measure.....	2, 19
Code of Academic Integrity.....	4, 14	Interview	17
Collective bargaining agreements.....	4	Investigation.....	11, 13, 14, 15, 16, 19, 27
Committee on Academic Freedom and Professional Status of the Faculty	13, 15	Investigator.....	13, 14
Community resources	6	Ithaca Advocacy Center	6, 23, 24
Complainant	2, 11, 13, 14, 19, 21, 22, 25, 26, 27, 28	Ithaca Police Department	23
Complaint	2, 7, 11, 15, 17, 18, 19, 21, 22, 27, 28	Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act).....	1, 5
Confidential resources	22, 23	Judicial administrator	6, 13, 14, 15, 20
Cornell Health	8, 23	Judicial codes counselor	14
Cornell United Religious Work (CURW)	7, 9, 23, 24	Law enforcement.....	22, 25
Cornell University Police Department (CUPD) ...	7, 8, 9, 20, 23	Lead diversity and inclusion strategist	14
Cornell Victim Advocate.....	7, 9, 10, 23	Legal proceeding	17
Counseling	7, 9, 14, 23, 24, 25	LGBT Resource Center	23, 24
Crime	9, 22, 25	Local human resources representative.....	8, 14, 15, 21
Criminal activity	7, 17, 25, 26	Mediation	15, 27
Dating violence.....	2, 19, 22, 23, 25	Medical assistance.....	8
Dean.....	13, 15	New York State Division of Human Rights	21
Dean of faculty	9, 13, 15	New York State Domestic and Sexual Violence hotline	24
Department of Inclusion and Workforce Diversity ..	6, 7, 8, 9, 13, 14, 15, 21	New York State Education Law Article 129-B (NYS 129-B)	1, 5, 25
Disability accommodation.....	7, 8	New York State Human Rights Law	1, 5, 21
Disclosure	11, 17, 28	New York State Police	23
Discrimination	1, 11, 13, 15, 17, 18, 21, 27	Ombudsman	9, 14, 16, 23, 24
Discrimination and harassment advisor.....	8, 13, 15	Pay transparency policy statement	4
Disposition.....	28		
Dispute.....	27		
Domestic violence	2, 19, 22, 23, 25		

POLICY 6.4

Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct

INDEX, continued

Police	9	Supervisor	8, 9, 15, 21
President	4, 15, 28	Teaching assistant	2
Privacy	11, 17, 18, 22, 24	Third party	16, 19, 20
Procedures for Resolution of Reports Against Faculty	19	Title IX coordinator	4, 6, 7, 8, 10, 13, 14, 15, 16, 18, 19, 20, 22, 24
Procedures for Resolution of Reports Against Staff	20	Title IX deputy coordinator	10, 22, 24
Procedures for Resolution of Reports Against Students	16, 17, 19	Title IX of the Education Amendments of 1972 ..	1, 4, 5, 6, 7, 21, 27
Prohibited conduct..	1, 2, 6, 7, 11, 12, 14, 15, 16, 17, 19, 22, 24, 25	Title VII of the Civil Rights Act of 1964	1, 21
Prohibited discrimination	2, 13, 15, 19, 20	Tompkins County Human Rights Law	1, 21
Protected-status	2, 13, 15, 18, 19, 20	Tompkins County Office of Human Rights	21
Provost	13, 15	Unit head	13, 15
Psychological support	7, 9	United States Department of Education, Office for Civil Rights	21
Rape	2, 12, 19, 20	University counsel	16, 22
Religious accommodation	9	University policies	
Report	2, 7, 9, 11, 13, 14, 15, 17, 19, 21, 22, 23, 25, 27	4.6, Standards of Ethical Conduct	4
Resolution	11, 14, 16, 24	4.7, Retention of University Records	4
Respondent	2, 11, 15, 19, 20, 22, 26, 27, 28	4.9, Legal Defense and Indemnification	4
Retaliation	2, 15, 18, 19, 20, 26	5.1, Responsible Use of Information Technology Resources	4
Sanction	11	6.11.3, Employee Discipline (Excluding Academic and Bargaining-Unit Staff)	4
Senior woman administrator	7, 15, 21, 27	6.13, Disability Accommodation Process for Faculty and Staff	4
Sexual		6.13.8, Religious Accommodation	4
abuse	2, 12, 19, 20	6.2.10, Establishment of College-Level Academic Employee Grievance Procedures	4
assault	2, 12, 15, 19, 20, 23, 25	Vice president	13, 15, 16, 28
battery	2, 12, 19, 20	Vice president for student and campus life	16, 28
coercion	2, 12, 19, 20	Vice provost	13, 15
exploitation	2, 19, 25	Victim assistance	10
harassment	2, 19, 20	Violence Against Women Reauthorization Act of 2013 (VAWA)	1, 5
misconduct	12	Women’s Resource Center (WRC)	23, 24
violence	2, 12, 19, 20	Workforce Policy and Labor Relations (WPLR) .	6, 7, 8, 9, 10, 13, 14, 15, 20, 27, 28
Sexual Harassment and Assault Response and Education (SHARE)	4, 24	Workplace conduct	8, 21
Silent witness form	5		
Staff member	1, 2, 7, 12, 13, 14, 15, 19, 20, 22, 23		
Stalking	2, 19, 22, 23, 25		
Student	2, 7, 12, 13, 14, 15, 16, 19, 22, 25, 26		
Bill of Rights	25		
disability grievance procedure	4		
employment policies	4		