FOR CORNELL STUDENTS:
Responding to a Complaint of Sexual Assault or Harassment

This summary briefly outlines some of the procedures and resources you should know about when responding to a complaint of sexual assault or harassment. Students who have experienced an incident of sexual harassment or sexual assault have the right to make a report to university police, local law enforcement, and/or state police or choose not to report; to report the incident to Cornell; to be protected by Cornell from retaliation for reporting an incident; and to receive assistance and resources from Cornell. If such a complaint has been filed against you, there are resources available to help. The complaint will be investigated and adjudicated pursuant to Policy 6.4. (www.dfa.cornell.edu/sites/default/files/vol6_4.pdf) It will be handled as promptly as possible, with ample opportunity for you to respond, and you will be considered “not responsible” until a finding or responsibility is made pursuant to the policy.

Frequently Asked Questions

- **With whom may I consult?**
  - For confidential care related to your health and well-being, you may contact Gannett Heath Services (medical and mental health providers: 607.255.5155).
  - For advice about the investigation and the process, you may consult any advisor of your choice. You are entitled to the advice of law students in the Office of the Judicial Codes Counselor (cornelljcc@gmail.com), a service that is free-of-charge. You may also consult an attorney. Some students chose to speak to a trusted professor, coach, academic advisor or counselor. An advisor may accompany you to meetings and interviews; however, your advisor may not answer questions for you, make objections, or pose questions to you or others.
  - To learn more about the investigation process and Cornell Policy 6.4, you may meet with a Title IX Coordinator:
    - Jody Kunk-Czaplicki, Interim Judicial Administrator: 607.255.4680 (Cornell’s JA is the Deputy Title IX Coordinator for claims against students.)
    - Alan Mittman: Office of Workforce Policy & Labor Relations (WPLR): 607.254.7232 (The director of the WPLR is the university Title IX coordinator for investigations.)

- **Who will notify me if a formal complaint has been filed against me.** The JA is a Deputy Title IX Coordinator and receives complaints concerning alleged misconduct by students. An investigator from Workforce Policy and Labor Relations (WPLR) will conduct an initial review to ensure that the complaining party’s allegations fall under Policy 6.4. If the complaint moves forward, you will be notified. In addition, you may be separately notified by Cornell Police or by other local police if there is a criminal investigation.

- **Who will notify me if there are allegations, but no formal complaint?** If no formal complaint was filed, but allegations come to the attention of Cornell, a Cornell University administrator may contact you to make sure you have accurate information about Cornell policies. Regardless of whether a formal complaint is filed, you may be required to refrain from contacting the person who made the report and/or to change housing, classes, or work schedules to ensure that both individuals have a safe and comfortable educational environment. You have the right to have any such measures reviewed.

- **What does the formal process require?** If someone is going to file a formal complaint against you, they must do so within one year of the events giving rise to the complaint. The investigator from WPLR will fully investigate the complaint by interviewing you, the person filing the complaint, and any others involved (witnesses) who may have information relevant to the case. The investigator will also review documents (e.g. texts, Facebook messages, or related health information if needed). The investigator will provide a report to a review panel of three faculty members. The Review Panel will consider the facts and recommendations made by the investigator, as well as information that the complainant and you may provide in writing if you disagree with the report. The panel may accept, modify or reject the investigator’s report.

- **What can happen to me while the complaint is pending and before it is decided?** While the complaint is pending, you may be subject to interim measures, which may include requiring you to refrain from contacting the person who made the complaint and/or to change your housing, classes, or work schedules to ensure that both individuals have a safe and comfortable educational environment. Interim measures may also include the imposition of a temporary suspension may. You have the right to have any such measures reviewed.

- **In addition to participating in the investigation, are there any expectations of me?** You should understand that policy prohibits any act of retaliation by you or anyone acting on your behalf against an individual who files a complaint against you. You are subject to formal discipline in the event such retaliation occurs.

- **Do I ever face the person filing the complaint directly?** Both parties (you and the person making the complaint) will be interviewed separately as a part of the fact-finding interviews and will not appear in the same room.

* This guide reflects Cornell procedure as of 02/26/16 and will be updated as needed to reflect changes in campus policy and/or staffing.
How confidential will the complaint be? Will my parents be contacted? Pursuant to Policy 6.4, the process is confidential and all involved parties will be required to agree to confidentiality and asked not to talk to others about the case. Friends are not contacted unless they are necessary witnesses and then are required to abide by certain confidential commitments. Other university officials (e.g., coaches, advisors) may be contacted on a need-to-know basis, and will also be required to maintain confidentiality.

If you are eighteen years or older, generally no university official will contact your parents (although we encourage you to do so).

What are the possible outcomes of a formal complaint? After a full fact-finding investigation, the investigator will issue a report making a recommendation to the review panel as to whether or not there is sufficient evidence (a preponderance of the evidence) that the respondent violated university policy. The report sets forth the investigation; provides a summary of the findings; and, where warranted, makes recommendations for: corrective actions and/or sanction, non-punitive preventative remedies for the complainant, and/or recommended action to restore the accused's reputation.

The report will be simultaneously provided to the parties and will be forward to the review panel. The parties have the opportunity to submit a written response to the report for the review panel's consideration. The review panel may accept, reject, or modify the investigator’s recommendation or may return the case to the investigator for further investigation. If the review panel finds the respondent responsible, the corrective actions and/or sanctions may include: a no-contact order, required counseling, education, dismissal or suspension from the university, directed study program, community service, change in residence, etc., depending on the severity of the policy violation. Either party may appeal the review panel's determination of responsibility and/or sanctions.

In accordance with Cornell policy, the following will result in a permanent transcript notation: dismissal after a “finding of responsibility” for a conduct violation; suspension after a finding of responsibility for a conduct violation; withdrawal after a finding of responsibility for a conduct violation; and withdrawal from the institution while a conduct matter is pending. These transcript notations are permanent and may not be appealed. However, the Judicial Administrator will remove any such notation if the underlying finding of responsibility is vacated for any reason. Read more: http://judicialadministrator.cornell.edu/policies-and-forms/

What if I disagree with the investigator's report? You may write the review panel within ten business days of receiving the report to express your disagreement.

What if I am unhappy with the review panel outcome/finding? You may appeal in writing within ten business days to a panel comprised of the vice president for student and campus life, or a designee, the vice president for human resources and safety services, or a designee, and the provost, or a designee, that will accept, reject, or modify the decision of the review panel. This decision is final and not subject to further appeal. Note the complainant also has the right to appeal the review panel's decision.

Can someone pursue a criminal complaint in addition to, or in place of, a University complaint? A criminal complaint is always an option whether or not the complainant decides to file a complaint with the university. Both systems can be accessed. For information about the criminal justice system, you may contact the Cornell Police (607.255.1111).

Resources

Information About the Process
- Office of the Judicial Codes Counselor: cornelljcc@gmail.com
- A Deputy Title IX Coordinator: students (607.255.4682), staff/faculty (607.254.7232)

Confidential Support
- Gannett Health Services' Counseling and Psychological Services (CAPS): 607.255.5155
- Office of the University Ombudsman: 607.255.4321; ombudsman@cornell.edu

Additional Information
- Policy 6.4, Prohibited Discrimination, Protected-Status Harassment, Sexual Harassment, Sexual Assault & Violence: policy.cornell.edu/6.4
- Sexual Harassment & Assault–Response & Education: SHARE.cornell.edu
- Judicial Administrator: judicialadministrator.cornell.edu
- Cornell Police: cupolice.cornell.edu
- Gannett Health Services: gannett.cornell.edu
- Office of the University Ombudsman: ombudsman.cornell.edu
- NYS Bar Association Lawyer: 1.800.342.3661
- Referral & Information Service

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