

# Filing a Complaint on Campus After Sexual Assault or Harassment

Cornell University will not tolerate gender-based harassment, sexual harassment, sexual assault, domestic and dating violence, stalking, sexual exploitation, or other forms of prohibited student conduct as defined by Policy 6.4, by or against students, staff, or faculty (collectively referred to as “prohibited conduct”). In addition to seeking care and support, you may be wondering whether you should report the incident to authorities.

This summary briefly outlines some of the things you should know about filing a complaint against another Cornell student. You 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. You have the option to file a formal complaint against a student through the Title IX Coordinator pursuant to Policy 6.4\* or with campus law enforcement.

## Frequently Asked Questions

- **Can I talk to someone without filing a formal complaint?** Yes. It is entirely your decision whether to file a complaint. For confidential support, you may contact Gannett Health Services (medical and mental health providers: 607.255.5155); CURW (pastoral counseling: 607.255.6002); the Cornell Victim Advocates (607.255.1212, [victimadvocate@cornell.edu](mailto:victimadvocate@cornell.edu)); the director of the Women’s Resource Center (607.255.0015, [wrc@cornell.edu](mailto:wrc@cornell.edu)); the director of the LGBT Resource Center (607.255.4406); or the University Ombudsman (607.255.4321). You may also contact the Advocacy Center, a 24/7 community resource (607.277.5000).

In order to keep you and others in the Cornell community safe, most Cornell faculty and staff (including RAs) have a duty to consult with the Title IX Coordinator if they become aware of potential incidents of prohibited conduct. All faculty and staff, including the Title IX Coordinator, will maintain your privacy to the greatest extent possible.

- **To learn more about filing a complaint with the university, what should I do?**

You could meet with any one of the following as a starting point:

- For confidential support, you may contact the resources noted above.
- To learn more about the investigation process and Cornell Policy 6.4, you may contact the Title IX Coordinator, Sarah Affel (607.255.2242; [titleix@cornell.edu](mailto:titleix@cornell.edu)) or a Deputy Title IX Coordinator (see contact information at [titleix.cornell.edu](http://titleix.cornell.edu)).
- For advice about the formal complaint process, you may consult any advisor of your choice. You are entitled to the advice of law students in the Office of the Complainant’s Advisors ([complaintadvice@cornell.edu](mailto:complaintadvice@cornell.edu)) free-of-charge. You may also consult an attorney. Some students choose to speak to a trusted professor, coach, academic advisor or counselor.
- To learn more about the criminal process, contact the Cornell University Police: 607.255.1111.
- Any student may make an anonymous report concerning an act of prohibited conduct by using the online reporting form located at [biasconcerns.cornell.edu](http://biasconcerns.cornell.edu) or by emailing: [report\\_bias@cornell.edu](mailto:report_bias@cornell.edu).

- **What does the formal complaint process involve?** A formal complaint process is comprised of:

- 1. An investigation:** An investigator will fully investigate the complaint by gathering information and documents from you, the respondent, and other individuals who have relevant information. You and the respondent will be interviewed separately and will not appear in the same room during the investigation. The parties will have the opportunity to review and comment on the information gathered by the investigator prior to the investigator submitting an investigative report to the Hearing Panel; and
- 2. A hearing:** Findings of responsibility and determinations regarding sanctions and remedies are made through a hearing process conducted by a three member Hearing Panel and a non-voting Hearing Chair. Throughout the hearing, the parties, with their advisor(s) and support person, if applicable, are in separate rooms. The parties may never directly address each other. The Hearing Panel conducts all questioning.

\* This guide reflects Cornell procedure as of 9/1/16 and will be updated as needed to reflect changes in campus policy and/or staffing.



- **Are there options aside from the formal complaint?** Yes. If you decide not to file a formal complaint, Cornell will honor your request not to pursue resolution under Policy 6.4 if doing so does not impact the university's ability to provide a safe and non-discriminatory environment for all members of the university community. Regardless of whether there is a formal complaint, the Title IX Coordinator will assist you with reasonable and available accommodations and protective measures, which may include a no-contact order and academic, housing, transportation, employment, and other accommodations. The Title IX Coordinator will protect your privacy and only disclose information necessary to provide accommodations or protective measures.
- **When can a formal complaint be filed?** A complaint can be filed at any time while the respondent is still a student. Cornell understands that making the decision to report prohibited conduct may take time and strongly encourages you to report as soon as possible and to take steps to preserve evidence.
- **What if I'm concerned about retaliation?** Cornell University will not tolerate retaliation such as intimidating, threatening, or coercing an individual who reports prohibited conduct. In the event that retaliation occurs, it is subject to formal discipline under Policy 6.4. If you experience retaliation, please report it to the Title IX Coordinator.
- **How confidential will the complaint be?** The complaint process is confidential and any involved person may not reveal any information learned from their participation in the case. If you are eighteen (18) years or older, no university office will contact your parents. Friends are not contacted unless they are necessary witnesses and then are required to abide by certain confidentiality commitments. Other university officials (e.g., coaches, advisors) will only be contacted on a need-to-know basis, and will also be required to maintain confidentiality. The respondent and the complainant may, however, disclose the outcome of a complaint.
- **What are the possible outcomes of a formal complaint?** If the Hearing Panel finds there is sufficient evidence (a preponderance of evidence) that the respondent violated university policy, the Hearing Panel will issue appropriate sanctions, which may include measures similar to accommodations and protective measures, educational steps, restrictions or loss of privileges, oral warning, written reprimand, probation, suspension, or dismissal from the university. If the investigation leads to the determination that there is insufficient evidence that the respondent violated university policy, the Hearing Panel will find the respondent not responsible. Both parties will receive notice of the Hearing Panel decision simultaneously.
- **What if I am unhappy with the Hearing Panel outcome/finding?** You may appeal in writing within ten business days. The Appeals Panel will accept, reject, or modify the decision of the Hearing Panel. This decision is final and not subject to further appeal. Note that the respondent also has the right to appeal the Hearing Panel's decision.
- **What if I decide I want to pursue a criminal complaint, in addition to or in place of a university complaint?** This is always an option whether or not you decide to file a formal complaint with the university. Both systems can be accessed. For information about the criminal justice system, contact the Cornell Police. They can assist you in notifying other local law enforcement and provide information on pursuing criminal or other legal action or obtaining an order of protection. If you are considering a criminal complaint, it is important to report the incident to them as quickly as possible and preserve relevant evidence. Reporting the incident to the Cornell Police does not commit you to pressing charges.

### Find Confidential Support

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| • Cornell Victim Advocates                               | 607.255.1212; <a href="mailto:victimadvocate@cornell.edu">victimadvocate@cornell.edu</a> |
| • Counselors at Gannett Health Services / Cornell Health | 607.255.5155   |
| • The Advocacy Center                                    | 607.277.5000 (24/7 community resource)   |

### Discuss Reporting Options

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| • The Title IX Coordinator | 607.255.2242   |
| • Cornell Police (24/7)    | 607.255.1111   |
| • Complainant's Advisors   | <a href="mailto:complaintadvice@cornell.edu">complaintadvice@cornell.edu</a> |

### Additional Information

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| • Policy 6.4, Prohibited Discrimination, Protected-Status Harassment, Sexual Harassment, Sexual Assault & Violence | <a href="http://policy.cornell.edu/6.4">policy.cornell.edu/6.4</a> * |
| • Sexual Harassment & Assault — Response & Education   | <a href="http://SHARE.cornell.edu">SHARE.cornell.edu</a>             |
| • Office of the Title IX Coordinator   | <a href="http://titleix.cornell.edu">titleix.cornell.edu</a>         |
| • Cornell Police   | <a href="http://cupolice.cornell.edu">cupolice.cornell.edu</a>       |
| • Gannett Health Services  | <a href="http://gannett.cornell.edu">gannett.cornell.edu</a>         |
| • International Students & Scholars Office (immigration resources)   | <a href="http://isso.cornell.edu">isso.cornell.edu</a>               |
| • Office of the University Ombudsman   | <a href="http://ombudsman.cornell.edu">ombudsman.cornell.edu</a>     |
| • NYS Bar Association Lawyer Referral & Information Service  | 1.800.342.3661   |

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