

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 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 (collectively referred to as “prohibited conduct”). Students who have experienced an incident of prohibited conduct 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 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 support, you may contact Cornell Health (medical and mental health providers: 607.255.5155); CURW (pastoral counseling: 607.255.6002); or the University Ombudsman (607.255.4321).
 - 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 (jccoffice@cornell.edu), 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, visit titleix.cornell.edu or contact the Title IX Coordinator, Sarah Affel (607.255.2242; titleix@cornell.edu).
- **Who will notify me if a formal complaint has been filed against me?** The Title IX Coordinator receives complaints concerning alleged prohibited conduct by students. The Office of the Title IX Coordinator 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 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?** 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 complainant, and other individuals who have relevant information. You and the complainant 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.
- **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. You have the right to have measures reviewed. While the complaint is pending, you may request that the Title IX Coordinator issue interim measures to support and protect you, such as assistance accessing counseling services and housing, academic, or work accommodations.



- **When can a formal complaint be filed?** A complaint can be filed against you at any time while you are still a student.
- **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.
- **How private will the complaint be?** The complaint process is private and all involved persons will be expected to respect that privacy. Further, students are prohibited from distributing documents obtained during the process. However, the complainant and/or respondent may disclose the final outcome of a complaint once it has been determined. If you are eighteen (18) years or older, the Title IX office will never contact parents and friends are never contacted unless they are necessary witnesses; then they are required to abide by certain privacy commitments. Other university officials (e.g., coaches, advisors) will be contacted on a need-to-know basis only, and will also be required to maintain privacy.
- **What are the possible outcomes of a formal complaint?** If the Hearing Panel finds that there is sufficient evidence (a preponderance of evidence) that you violated university policy, the Hearing Panel will find you responsible and 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 you violated university policy, the Hearing Panel will find you 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 both parties have the right to appeal the Hearing Panel decision.
- **Can someone pursue a criminal complaint against me 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 by a complainant. For information about the criminal justice system, you may contact the Cornell Police (607.255.1111).

Resources

Information About the Process

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| • Office of the Judicial Codes Counselor | jccoffice@cornell.edu |
| • Title IX Coordinator | 607.255.2242; titleix.cornell.edu |

Confidential Support

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| • Cornell Health (formerly Gannett Health Services) | 607.255.5155; health.cornell.edu |
| • Office of the University Ombudsman | 607.255.4321; ombudsman@cornell.edu |

Additional Information

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| • 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 (24/7) | 607.255.1111; cupolice.cornell.edu |
| • International Students & Scholars Office (immigration resources) | 607.255.5243; isso.cornell.edu |
| • Student Disability Services | 607.254.4545; sds.cornell.edu |
| • NYS Bar Association Lawyer Referral & Information Service | 800.342.3661 |