



CORNELL UNIVERSITY  
POLICY LIBRARY

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

## POLICY 6.4 (INTERIM)

Volume: 6, Human Resources  
Chapter: 4, Prohibited Bias, Discrimination,  
Harassment, and Sexual and Related  
Misconduct

Responsible Executives: Provost; Vice  
President and Chief Human Resources  
Office; Vice President for Student and  
Campus Life

Responsible Offices: Office of Institutional  
Equity and Title IX; Department of Athletics  
and Physical Education

Originally Issued: July 8, 1996

Last Full Review: February 8, 2017

Last Updated: March 14, 2022

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## POLICY STATEMENT

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Cornell University is committed to providing a safe, inclusive, and respectful learning, living, and working environment for its students, faculty, and staff and does not discriminate on the basis of protected status, including sex, in the education programs and activities it operates. Admission and employment are included in the requirement not to discriminate in the education program or activity that Cornell University operates. To this end, through this policy, the university provides means to address bias, discrimination, harassment, and sexual and related misconduct.

Identities protected under this policy are those protected under federal, state, and local equal education and employment laws and regulations. These include race, ethnic or national origin, citizenship and immigration status, color, sex/gender, pregnancy or pregnancy-related conditions, age, creed, religion, actual or perceived disability (including persons associated with such a person), arrest and/or conviction record, military or veteran status, sexual orientation, gender expression and/or identity, an individual's genetic information, domestic violence victim status, familial status, marital status, and any other legally protected status. (1)

(1) These identities are interpreted consistent with the definitions set forth in the applicable federal, state, and local equal education and employment laws and regulations. See, for example, New York State Human Rights Law, N.Y. Exec. Law 290, et seq. Note that there are additional protected statuses under New York City Law. See New York City Human Rights Law (Title 8 of the Administrative Code of the City of New York).

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## REASON FOR POLICY

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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), including the 2020 amendments to the Title IX regulations (34 CFR Part 106), 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. The requirement not to discriminate on the basis

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

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of sex in the education program or activity that Cornell University operates is required by Title IX and 34 CFR Part 106. Inquiries about the application of Title IX and 34 CFR Part 106 may be referred to the university's Title IX Coordinator, the Assistant Secretary of the U.S. Department of Education, or both.

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.

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#### ENTITIES AFFECTED BY THIS POLICY

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

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#### WHO SHOULD READ THIS POLICY

- All members of the Cornell University community

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#### MOST CURRENT VERSION OF THIS POLICY

- [policy.cornell.edu/policy-library/prohibited-bias-discrimination-harassment-and-sexual-and-related-misconduct](https://policy.cornell.edu/policy-library/prohibited-bias-discrimination-harassment-and-sexual-and-related-misconduct)

## POLICY 6.4 (INTERIM)

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

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## CONTENTS

---

<b>Policy Statement</b>	<b>1</b>
<b>Reason for Policy</b>	<b>1</b>
<b>Entities Affected by This Policy</b>	<b>2</b>
<b>Who Should Read This Policy</b>	<b>2</b>
<b>Most Current Version of This Policy</b>	<b>2</b>
<b>Contents</b>	<b>3</b>
<b>Related Resources</b>	<b>4</b>
<b>Contacts – Ithaca-Based Locations and Cornell Tech</b>	<b>6</b>
<b>Definitions</b>	<b>10</b>
<b>Responsibilities – Ithaca-Based Locations and Cornell Tech</b>	<b>17</b>
<b>Principles</b>	<b>20</b>
Overview	20
Process Privacy in Applicable Procedures Under this Policy	20
Retaliation and Bad Faith Complaints	21
<b>Procedures – Ithaca-Based Locations and Cornell Tech</b>	<b>22</b>
Introduction	22
<b>Reporting Options, Seeking Advice, and Resources</b>	<b>25</b>
Campus Reporting Options	25
Designated Reporters and Reporting Obligations	25
Supervisor Duty to Respond to Sexual and Related Misconduct in the Workplace	26
Reporting to Law Enforcement	26
Anonymous Reporting	26
Confidential Resources for Support	26
<b>Special Provisions for Students</b>	<b>29</b>
Amnesty for Alcohol and Drug Use	29
New York State Student Bill of Rights	29

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Responsible Executives:  
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Chief Human Resources  
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Student and Campus Life  
Responsible Offices: Office of  
Institutional Equity and Title IX;  
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Originally Issued: July 8, 1996  
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## POLICY 6.4 (INTERIM)

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

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## RELATED RESOURCES

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### University Policies and Information

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[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 6.3. Consensual Relationships](#)

[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](#)

[University Policy 8.8. Children and Youth Safety](#)

[Equal Educational and Employment Opportunity Statement](#)

[Faculty Grievance Policies](#)

[Campus Code of Conduct](#)

[Academic Integrity at Cornell](#)

[Collective Bargaining Unit Contracts](#)

[Equal Opportunity and Affirmative Action](#)

[Faculty Handbook](#)

[Graduate School Code of Legislation](#)

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

[Office of Institutional Equity and Title IX](#)

[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 Disability Services](#)

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

[Weill Cornell Medicine Office of Institutional Equity](#)

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

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

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## RELATED RESOURCES, CONTINUED

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### External Documentation

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Age Discrimination Act of 1975  
Age Discrimination in Employment Act of 1967  
Americans with Disabilities Act of 1990, as amended  
Charter and Code of Tompkins County, Chapter 92  
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  
Equal Pay Act of 1963, as amended  
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  
Pregnancy Discrimination Act of 1978  
Rehabilitation Act of 1973, as amended  
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  
Vietnam Era Veterans' Readjustment Assistance Act, as amended  
Violence Against Women Reauthorization Act of 2013 (VAWA)

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### University Forms and Systems

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#### ***Ithaca-Based Locations and Cornell Tech***

[Non-Emergency Bias Reporting Site](#)  
[Hotline: Silent Witness Form](#)  
[Report of Prohibited Conduct under Policy 6.4,  
including Sexual Harassment](#)

#### ***Weill Cornell Medicine Campuses***

[Hotline: Silent Witness Form](#)

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# 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
<b>Policy Clarification</b>			
Bias Activity	Office of Institutional Equity and Title IX	(607) 255-2242	<a href="mailto:equity@cornell.edu">equity@cornell.edu</a> <a href="mailto:titleix.cornell.edu">titleix.cornell.edu</a> <a href="https://biasconcerns.cornell.edu">biasconcerns.cornell.edu</a> (online report form)
Equal Opportunity in Any Educational Program or Activity	Office of Institutional Equity and Title IX	(607) 255-2242	<a href="mailto:equity@cornell.edu">equity@cornell.edu</a> <a href="mailto:titleix.cornell.edu">titleix.cornell.edu</a> <a href="https://biasconcerns.cornell.edu">biasconcerns.cornell.edu</a> (online report form)
Prohibited Conduct (University Policy 6.4) Committed by Students, Staff, Faculty, or Third Parties	Office of Institutional Equity and Title IX	(607) 255-2242	<a href="mailto:titleix@cornell.edu">titleix@cornell.edu</a> ( <u>sexual and related misconduct</u> ) <a href="mailto:equity@cornell.edu">equity@cornell.edu</a> (discrimination, protected-status harassment) <a href="mailto:titleix.cornell.edu">titleix.cornell.edu</a> <a href="https://biasconcerns.cornell.edu">biasconcerns.cornell.edu</a> (online report form)
Prohibited Conduct Committed by Students	Office of Institutional Equity and Title IX	(607) 255-2242	<a href="mailto:titleix@cornell.edu">titleix@cornell.edu</a> <a href="mailto:titleix.cornell.edu">titleix.cornell.edu</a> <a href="https://biasconcerns.cornell.edu">biasconcerns.cornell.edu</a> (online report form)
Title IX	Office of Institutional Equity and Title IX	(607) 255-2242	<a href="mailto:titleix@cornell.edu">titleix@cornell.edu</a> <a href="mailto:titleix.cornell.edu">titleix.cornell.edu</a> <a href="https://biasconcerns.cornell.edu">biasconcerns.cornell.edu</a> (online report form)
<b>Accessibility to Facilities on Campus: Faculty, Staff, and Visitors</b>	ADA Coordinator for Facilities	(607) 255-5150	<a href="mailto:accessibility@cornell.edu">accessibility@cornell.edu</a>
<b>Campus Code of Conduct</b>	Office of Student Conduct and Community Standards	(607) 255-4680	<a href="mailto:studentconduct@cornell.edu">studentconduct@cornell.edu</a> <a href="https://scl.cornell.edu/studentconduct">scl.cornell.edu/studentconduct</a>
<b>Community Resources, New York State</b>	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 <a href="http://www.suny.edu/violence-response">www.suny.edu/violence-response</a> . The resources are available to Cornell community members.		
<b>Community Resources, Tompkins County</b>	Advocacy Center of Tompkins County	24-Hour Hotline: (607) 277-5000	<a href="mailto:info@theadvocacycenter.org">info@theadvocacycenter.org</a> <a href="http://www.theadvocacycenter.org">www.theadvocacycenter.org</a>
	Sexual Abuse Nurse Examiner (SANE), Cayuga Medical Center	24-Hour Hotline: (607) 277-5000  Emergency Department: (607) 274-4011  TDD: (607) 274-4513	<a href="http://www.cayugamed.org/content.cfm?serviceID=13#sane">www.cayugamed.org/content.cfm?serviceID=13#sane</a>

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## POLICY 6.4 (INTERIM)

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

### Concerns, Reports, and Complaints

Bias Activity	Office of Institutional Equity and Title IX	(607) 255-2242	<a href="mailto:equity@cornell.edu">equity@cornell.edu</a> <a href="mailto:titleix.cornell.edu">titleix.cornell.edu</a> <a href="https://biasconcerns.cornell.edu">biasconcerns.cornell.edu</a> (online report form)
Criminal Activity	Cornell University Police Department (CUPD)	Emergencies: 911 Non-emergencies only: (607) 255-1111	<a href="https://cupolice.cornell.edu">cupolice.cornell.edu</a>
Prohibited Conduct (University Policy 6.4) Committed by Students, Staff, or Faculty	Office of Institutional Equity and Title IX	(607) 255-2242	<a href="mailto:titleix@cornell.edu">titleix@cornell.edu</a> (sexual and related misconduct) <a href="mailto:equity@cornell.edu">equity@cornell.edu</a> (discrimination, protected-status harassment) <a href="https://biasconcerns.cornell.edu">biasconcerns.cornell.edu</a> (online report form) <i>Physical Address and Mailing Address:</i> 500 Day Hall Ithaca, NY 14853
Participation in Intercollegiate Athletics Title IX Claims	Associate Director of Athletics/Senior Woman Administrator	(607) 255-8283	<a href="mailto:athletics@cornell.edu">athletics@cornell.edu</a>
<b>Cornell Tech Safety &amp; Security</b>	Cornell Tech Safety & Security	(646) 971-3611	<a href="mailto:security@tech.cornell.edu">security@tech.cornell.edu</a> <a href="https://security.tech.cornell.edu">security.tech.cornell.edu</a>
<b>Counseling and Support</b>	Cornell Victim Advocacy Program	(607) 255-1212	<a href="mailto:victimadvocate@cornell.edu">victimadvocate@cornell.edu</a> <a href="https://health.cornell.edu/services/counseling-psychiatry">health.cornell.edu/services/counseling-psychiatry</a>
	Faculty and Staff Assistance Program (FSAP)	(607) 255-2673 (255-COPE)	<a href="https://fsap.cornell.edu">fsap.cornell.edu</a>
	Lesbian, Gay, Bisexual, Transgender Resource Center	(607) 255-4406	<a href="https://scl.cornell.edu/identity-resources/lgbt-resource-center">scl.cornell.edu/identity-resources/lgbt-resource-center</a>
	Office of Spirituality and Meaning Making	(607) 255-4214	<a href="https://scl.cornell.edu/osmm">scl.cornell.edu/osmm</a>
	Women's Resource Center	(607) 255-0015	<a href="https://scl.cornell.edu/identity-resources/womens-resource-center">scl.cornell.edu/identity-resources/womens-resource-center</a>
<b>Disability Accommodation for Applicants for Employment</b>	Office of Institutional Equity and Title IX	(607) 255-2242	<a href="mailto:equity@cornell.edu">equity@cornell.edu</a> <a href="mailto:titleix.cornell.edu">titleix.cornell.edu</a> <a href="https://biasconcerns.cornell.edu">biasconcerns.cornell.edu</a> (online report form)
<b>Disability Accommodation for Visitors</b>	Facilities and Campus Services	(607) 255-5150	<a href="mailto:accessibility@cornell.edu">accessibility@cornell.edu</a> <a href="https://accessibility.cornell.edu">accessibility.cornell.edu</a>
<b>Disability Accommodation Requests from Faculty or Staff</b>	Medical Leaves Administration	(607) 255-1216 (607) 255-1260	<a href="https://hr.cornell.edu/hr-policies/all-faculty-and-staff">hr.cornell.edu/hr-policies/all-faculty-and-staff</a>
<b>Disability Accommodation Requests from Students</b>	Student Disability Services (SDS)	(607) 254-4545	<a href="mailto:sds_cu@cornell.edu">sds_cu@cornell.edu</a> <a href="https://sds.cornell.edu">sds.cornell.edu</a>

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## POLICY 6.4 (INTERIM)

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

## CONTACTS, ITHACA-BASED LOCATIONS AND CORNELL TECH, continued

<b>Educational Programs and Resources</b>	Cornell Interactive Theatre Ensemble (CITE)	(607) 254-2759	<a href="http://hr.cornell.edu/professional-development/training/cite">hr.cornell.edu/professional-development/training/cite</a>
	Cornell University Police Department (CUPD)	Emergencies: 911 Non-emergencies only: (607) 255-1111	<a href="http://cupolice.cornell.edu">cupolice.cornell.edu</a>
	Department of Inclusion and Belonging	(607) 255-3976	<a href="mailto:inclusion@cornell.edu">inclusion@cornell.edu</a> <a href="http://diversity.cornell.edu">diversity.cornell.edu</a>
	Office of Institutional Equity and Title IX	(607) 255-2242	<a href="mailto:titleix@cornell.edu">titleix@cornell.edu</a> <a href="http://titleix.cornell.edu">titleix.cornell.edu</a> <a href="http://biasconcerns.cornell.edu">biasconcerns.cornell.edu</a> (online report form)
	Skorton Center for Health Initiatives (Cornell Health)	(607) 255-4782	<a href="http://health.cornell.edu/initiatives/skorton-center">health.cornell.edu/initiatives/skorton-center</a>
<b>General Employee Relations/Workplace Concerns</b>	Supervisor or local human resources representative	Unit-specific	<a href="http://hr.cornell.edu/find-your-hr-representative">hr.cornell.edu/find-your-hr-representative</a>
	Recruitment and Employment Center, Direct Service Units	(607) 254-8370	<a href="mailto:mycareer@cornell.edu">mycareer@cornell.edu</a> <a href="http://hr.cornell.edu/about-hr">hr.cornell.edu/about-hr</a>
	Workforce Policy and Labor Relations (WPLR)	(607) 255-4652	<a href="http://hr.cornell.edu/about-hr">hr.cornell.edu/about-hr</a> <a href="http://biasconcerns.cornell.edu">biasconcerns.cornell.edu</a> (online report form) <a href="mailto:hrpolicy@cornell.edu">hrpolicy@cornell.edu</a>
<b>Language Translation Services</b>	Cornell Health	(607) 255-5155	<a href="http://health.cornell.edu/get-care/accessibility-language-services">health.cornell.edu/get-care/accessibility-language-services</a>
<b>Medical Assistance</b>	Cornell Health	(607) 255-5155	<a href="http://health.cornell.edu">health.cornell.edu</a>
<b>Police Services</b>	Cornell University Police Department (CUPD)	Emergencies: 911 Non-emergencies only: (607) 255-1111	<a href="http://cupolice.cornell.edu">cupolice.cornell.edu</a>
<b>Program Coordinator, Diversity and Inclusion Strategies</b>	Department of Inclusion and Belonging	(607) 255-3976	<a href="mailto:inclusion@cornell.edu">inclusion@cornell.edu</a> <a href="http://diversity.cornell.edu">diversity.cornell.edu</a> <a href="http://biasconcerns.cornell.edu">biasconcerns.cornell.edu</a> (online report form)
<b>Psychological or Emotional Support Services, Faculty and Staff Members</b>	Faculty Staff Assistance Program (FSAP)	(607) 255-COPE (255-2673)	<a href="http://fsap.cornell.edu">fsap.cornell.edu</a>
	Office of Spirituality and Meaning Making	(607) 255-4214	<a href="http://scl.cornell.edu/osmm">scl.cornell.edu/osmm</a>
	University Ombudsman	(607) 255-4321	<a href="http://ombudsman.cornell.edu">ombudsman.cornell.edu</a> <a href="mailto:ombudsman@cornell.edu">ombudsman@cornell.edu</a>



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

#### CONTACTS, ITHACA-BASED LOCATIONS AND CORNELL TECH, continued

<b>Psychological or Emotional Support Services, Students</b>	Counseling and Psychological Services	(607) 255-5208	<a href="http://health.cornell.edu/services/counseling-psychiatry">health.cornell.edu/services/counseling-psychiatry</a>
	Dean of Students	(607) 255-6839	<a href="mailto:dean_of_students@cornell.edu">dean_of_students@cornell.edu</a> <a href="http://scl.cornell.edu/identity-resources/office-dean-students">scl.cornell.edu/identity-resources/office-dean-students</a>
	Office of Spirituality and Meaning Making	(607) 255-4214	<a href="http://scl.cornell.edu/osmm">scl.cornell.edu/osmm</a>
	University Ombudsman	(607) 255-4321	<a href="http://ombudsman.cornell.edu">ombudsman.cornell.edu</a> <a href="mailto:ombudsman@cornell.edu">ombudsman@cornell.edu</a>
<b>Religious Accommodation Requests: Faculty and Staff Members, and Student Employees</b>	Department chair or supervisor	Unit-specific	
	Office of Institutional Equity and Title IX	(607) 255-2242	<a href="mailto:equity@cornell.edu">equity@cornell.edu</a> <a href="http://titleix.cornell.edu">titleix.cornell.edu</a> <a href="http://biasconcerns.cornell.edu">biasconcerns.cornell.edu</a> (online report form)
<b>Religious Accommodation Request: Students</b>	Dean of Faculty	(607) 255-4843	<a href="http://theuniversityfaculty.cornell.edu">theuniversityfaculty.cornell.edu</a>
<b>Reporting a Crime, Ithaca Campus</b>	Cornell University Police Department (CUPD)	Emergencies: 911 Non-emergencies only: (607) 255-1111	<a href="http://cupolice.cornell.edu/campus-safety-security">cupolice.cornell.edu/campus-safety-security</a>
<b>Reporting a Crime, New York City Campuses</b>		911	
<b>Title IX Coordinator (for Overall University Title IX Operations and Compliance)</b>	Office of Institutional Equity and Title IX	(607) 255-2242	<a href="mailto:titleix@cornell.edu">titleix@cornell.edu</a> <a href="http://titleix.cornell.edu">titleix.cornell.edu</a> <a href="http://biasconcerns.cornell.edu">biasconcerns.cornell.edu</a> (online report form)
<b>Victim Assistance</b>	Cornell Victim Advocacy Program	(607) 255-1212	<a href="mailto:victimadvocate@cornell.edu">victimadvocate@cornell.edu</a> <a href="http://health.cornell.edu/services/victim-advocacy">health.cornell.edu/services/victim-advocacy</a>

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## DEFINITIONS

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

<b>Aiding Prohibited Conduct</b>	Person aids prohibited conduct if, with the intent to promote or facilitate such conduct, that person engages in conduct directly tending toward completion of the prohibited conduct.
<b>Attempting to Commit Prohibited Conduct</b>	Person attempts to commit prohibited conduct if, with the intent to commit such conduct, that person engages in conduct directly tending toward completion of the prohibited conduct. Even if a respondent has not been charged with attempting to commit prohibited conduct, a hearing panel may find the respondent responsible for that form of prohibited conduct when related to the charged prohibited conduct.
<b>Bias Activity</b>	Action of mistreatment or incivility (verbal, physical, in written or digital form) taken by an alleged offender(s) and motivated in whole or part by an actual or perceived aspect of diversity/identity of the harmed or impacted party. Identity may include, but is not limited to, ability, age, ancestry or ethnicity, color, creed, gender, sex/gender identity or expression, immigration or citizenship status, marital status, national origin, neurodiversity, race, religion, religious practice, sexual orientation, socioeconomic status, or weight.
<b>Complainant</b>	Person who is the subject of a report or initiates a formal complaint of prohibited conduct under this policy. A complainant may be a single person or several individuals. (Compare <i>Respondent</i> .)
<b>Dating and Domestic Violence</b>	Intentional act or threatened act of violence against the complainant committed by (1) a person who is or has been in a social relationship of a romantic or intimate nature with the complainant; (2) a current or former spouse or intimate partner; (3) a person with whom the complainant shares a child; or (4) anyone who is considered a respondent under the domestic or family violence laws on New York. Also includes behavior that seeks to establish power and control over the complainant by causing the complainant to fear violence to themselves or another person. Such behavior may take the form of harassment, property damage, intimidation, and violence or a threat of violence to one's self (that is, the respondent) or a third party. May involve one act or an ongoing pattern of behavior. Consistent with the Violence Against Women Act (VAWA), for reporting purposes under the Clery Act, the university evaluates the existence of an intimate relationship based upon the complainant's statement, taking into consideration the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
<b>Education Program or Activity</b>	Locations, events or circumstances over which the university exercised substantial control over both the respondent and the context in which the prohibited conduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the university.
<b>Equal Education and Employment Opportunity (EEEE)</b>	Federal, state, and local laws prohibiting discrimination based on an EEEE-protected status in education and employment.
<b>Equal Education and Employment Opportunity (EEEE) – Protected Status</b>	Identities protected under federal, state, and local equal education and employment laws and regulations. These include race, ethnic or national origin, citizenship and immigration status, color, sex/gender, pregnancy or pregnancy-related conditions, age, creed, religion, actual or perceived disability (including persons associated with such

## POLICY 6.4 (INTERIM)

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

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## DEFINITIONS, continued

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	a person), arrest and/or conviction record, military or veteran status, sexual orientation, gender expression and/or identity, an individual's genetic information, domestic violence victim status, familial status, marital status, and any other legally protected status. These identities are interpreted consistent with the definitions set forth in the applicable federal, state, and local equal education and employment laws and regulations..
<b>Faculty</b>	Person who holds appointment to an academic title (as specified in the Bylaws of Cornell University, Article XVII).
<b>Formal Complaint</b>	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.
<b>Hostile Environment</b>	<p>Environment determined by a <i>reasonable person</i> to either be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the university's education programs or activities (Employee Title IX and Student Procedures) or when the conduct subjects an individual to inferior terms, conditions or privileges of employment or education. Conduct must be "more than a petty slight or trivial inconvenience" from the perspective of a reasonable person in the same protected class. (Employee Non-Title IX Procedures)</p> <p>In evaluating whether a hostile environment exists, the university considers a number of factors, including, but not limited to:</p> <ul style="list-style-type: none"> <li>• Frequency, nature, and severity of the conduct;</li> <li>• Whether the conduct was physically threatening;</li> <li>• Effect of the conduct on the complainant's mental or emotional state;</li> <li>• How the conduct affected the terms, conditions or privileges of employment or education;</li> <li>• Whether the conduct was directed at more than one person;</li> <li>• Whether the conduct arose in the context of other discriminatory conduct;</li> <li>• Whether there is a power differential between the parties; and</li> <li>• Whether the conduct implicates concerns related to academic freedom or protected speech.</li> </ul> <p>Because of protections afforded by academic freedom, speech or other expression occurring in the context of instruction or research is not be considered protected-status harassment unless this speech or expression also meets one or both of the following criteria:</p> <ul style="list-style-type: none"> <li>• it is meant to be either abusive or humiliating toward a specific person or persons, or</li> <li>• it persists despite the reasonable objection of the person or persons targeted by the speech or other expression.</li> </ul>
<b>Investigation</b>	Systematic inquiry into a formal complaint.
<b>Preponderance of Evidence</b>	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.

## POLICY 6.4 (INTERIM)

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

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## DEFINITIONS, continued

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<b>Privacy</b>	While not bounded by confidentiality, disclosure of information will be limited and personal information shared only as necessary.
<b>Procedural Advisor</b>	Person chosen by a party or appointed by the university to accompany the party to meetings related to matters under this policy to advise the party on the procedures, and as applicable, to conduct cross-examination for the party at the hearing. Also referred to as an advisor or when an attorney, attorney-advisor. Complainants' and Respondents' Codes Counselors are Cornell law and graduate students who serve as procedural advisors under this policy and within the campus disciplinary system for, respectively, complainants and respondents.
<b>Prohibited Conduct</b>	Conduct that constitutes a violation of this policy. See the Procedures section for the different types of prohibited conduct corresponding with the university's different constituencies and legal requirements.
<b>Prohibited Discrimination</b>	<p>When an employment or academic decision results in different and negative treatment of an individual based on their membership in a status protected under Equal Education and Employment Opportunity (EEEE).</p> <p>Complaints must fall into one or both of these categories: (1) disparate impact (that is, where a policy is facially neutral and applied as written, but has a disparate impact upon a person based on their protected status); (2) disparate treatment (that is, where a person is treated differently based upon their protected status).</p> <p>Examples of different and negative treatment include:</p> <ul style="list-style-type: none"> <li>• denying an opportunity to a qualified individual</li> <li>• not considering a qualified individual for an opportunity</li> <li>• demoting an individual or terminating their employment</li> <li>• failing to provide reasonable accommodation for a religious belief or practice</li> </ul> <p>The facts and circumstances must demonstrate that the treatment was based on the person's EEEO-protected status. In evaluating whether an employment or academic decision is related to the person's EEEO-protected status, the university considers factors including, but not limited to:</p> <ul style="list-style-type: none"> <li>• Whether the respondent has made comments about the individuals in the EEEO-protected status</li> <li>• Employment history of the parties</li> <li>• Historical data about how the employment or academic decision has been made in the past</li> <li>• Comparative data and/or anecdotes about how individuals outside of the EEEO-protected status have been treated relative to the employment or academic decision</li> <li>• Whether there was a legitimate business reason for the decision</li> <li>• Any other relevant Human Resources information</li> </ul>
<b>Protected Status Harassment</b>	When an individual is targeted with verbal, written, visual, or physical conduct, based on that person's status protected under Equal Education and Employment Opportunity (EEEE), that unreasonably interferes with their work or academic performance, or creates an intimidating, hostile, or offensive working or learning environment.

## POLICY 6.4 (INTERIM)

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

## DEFINITIONS, continued

	<p>This includes <i>sexual and sex/gender-based harassment</i>. Conduct constitutes harassment under these conditions:</p> <ul style="list-style-type: none"> <li>• It is “<i>quid pro quo</i>” harassment (as defined in this policy), or</li> <li>• It creates a <i>hostile environment</i> (as defined in this policy)</li> </ul>
<b>Quid Pro Quo</b>	<p>When submission to or rejection of protected status harassment is made, either explicitly or implicitly, a term or condition of an individual’s employment, academic standing, or participation in any university programs or activities or is used as the basis for university decisions affecting the individual. (Employee Non-Title IX Procedures)</p> <p>When an employee conditions the provision of an aid, benefit, or service of the university on an individual’s participation in unwelcome sexual conduct, including an attempt or solicitation of an unwelcome “prohibited relationship” as defined in <a href="#">University Policy 6.3, Consensual Relationships</a>. (Employee Title IX Procedures)</p>
<b>Respondent</b>	<p>Person against whom a report or formal complaint of prohibited conduct under this policy is made. (Compare <i>Complainant</i>.)</p>
<b>Retaliation</b>	<p>Adverse action taken against an individual with the purpose of interfering with their rights under these procedures, including for making a good-faith report of prohibited conduct, for participating in an investigation, proceeding, or hearing, or for refusing to participate in an investigation, proceeding, or hearing (under the Student or Employee Title IX Procedures).</p> <p>Retaliation may include intimidation, threats, coercion, discrimination, or adverse employment or educational actions. Retaliation may be committed by the respondent, the complainant, or any other individual or group of individuals.</p> <p>Retaliation may be found even when an underlying report made in good faith was not substantiated. Retaliation does not include good-faith actions pursued in response to a report of prohibited conduct.</p>
<b>Sanction</b>	<p>Disciplinary action imposed on an individual after a finding of responsibility. Sanctions are set forth in the applicable procedures.</p>
<b>Sexual and Sex/Gender-Based Harassment</b>	<p><i>Sexual harassment</i> is sexual advances, requests for sexual favors, or other unwanted conduct of a sexual nature, which may include acts of aggression, intimidation, or hostility, whether verbal, nonverbal, graphic, physical, or otherwise.</p> <p><i>Sex/gender-based harassment</i> is harassment based on gender, sex, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal, nonverbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature.</p> <p>Conduct constitutes harassment under these conditions:</p> <ul style="list-style-type: none"> <li>• It is “<i>quid pro quo</i>” harassment (as defined in this policy), or</li> <li>• It creates a <i>hostile environment</i> (as defined in this policy)</li> </ul> <p>Based on individual facts and circumstances, examples of sexual and sex/gender-based harassment may include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Discussing another person’s or one’s own personal sexual fantasies, preferences or history</li> <li>• Unwelcome touching of a person’s body, including massaging</li> </ul>

## POLICY 6.4 (INTERIM)

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

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## DEFINITIONS, continued

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- Repeatedly asking for a date from a person who has communicated they are not interested
- Creating a list that ranks a person's attractiveness or sexuality

This list is not meant to be exhaustive, and whether these actions constitute sexual and sex/gender-based harassment depends on a number of factors around the context of the conduct, including the relationship between the parties.

Typically, a single verbal comment is not considered sufficiently "severe."

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### Sexual Assault

Sexual intercourse without affirmative consent or sexual contact without affirmative consent.

- **Sexual intercourse:** Any penetration, however slight, with any object or body part, as follows: (a) penetration of the vulva by a penis, object, tongue, or finger; (b) anal penetration by a penis, object, tongue, or finger; and (c) any contact, no matter how slight, between the mouth of one person and the genitalia of another person.
- **Sexual contact:** Intentional sexual touching, however slight, with any object or body part, whether directly or through clothing, as follows: (a) intentional touching of the lips, breasts, buttocks, groin, genitals, inner thigh, or anus or intentionally touching another with any of these body parts; (b) making another touch anyone or themselves with or on any of these body parts; and (c) intentional touching of another's body part for the purpose of sexual gratification, arousal, humiliation, or degradation.
- **Affirmative consent:** A knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

These principles apply to the definition of affirmative consent:

- Consent to any sexual act or prior consensual sexual activity does not necessarily constitute consent to any other sexual act.
  - Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
  - Consent may be withdrawn at any time.
  - When affirmative consent is withdrawn or can no longer be given, sexual activity must stop.
  - A person is incapable of affirmative consent when they are:
    - Less than seventeen years of age;
    - Mentally disabled (a person is mentally disabled when their normal cognitive, emotional, or behavioral functioning renders them incapable of appraising their conduct); or
    - Incapacitated.
  - A person is incapacitated when they lack the ability to choose knowingly to participate in sexual activity.
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## POLICY 6.4 (INTERIM)

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

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## DEFINITIONS, continued

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- A person is incapacitated when they are unconscious, asleep, involuntarily restrained, physically helpless, or otherwise unable to provide consent.
- Someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent depending on the level of intoxication.
- Affirmative consent cannot be gained by taking advantage of the incapacitation of another. In evaluating responsibility in cases of alleged incapacitation, the fact finder asks two questions: (1) did the respondent know that the complainant was incapacitated? If not, (2) should a sober, reasonable person in the respondent's situation have known that the complainant was incapacitated? If the answer to either of these questions is "yes," affirmative consent was absent.
- If the fact finder determines based on a preponderance of the evidence that both parties were incapacitated, the person who initiated the sexual activity alleged to be nonconsensual due to incapacity is at fault.
- Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
  - Examples of coercion and intimidation include using physically or emotionally manipulative conduct against the complainant or expressly or implicitly threatening the complainant or a third party with negative actions that would compel or induce a reasonable person in the complainant's situation to engage in the sexual activity at issue. Examples of sexual coercion include statements such as "I will ruin your reputation," or "I will tell everyone," or "your career (or education) at Cornell will be over" or "I will post an image of you naked."
  - Examples of force or a threat of harm include using physical force or a threat, express or implied, that would place a reasonable person in the complainant's situation in fear of physical harm to, or kidnapping of, themselves or another person.

Sexual assault can also be nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

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### Sexual Exploitation

Intentionally engaging in any of the following:

- Observing another person when that person is nude or engaged in sexual activity without the knowledge and consent of the person observed, or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved
  - Making, sharing, posting, streaming or otherwise distributing any image, photography, video, or audio recording depicting or otherwise recording another person when that person is nude or engaged in sexual activity without the knowledge and consent of the person depicted or recorded
  - Exposing one's genitals to another person without the consent of that person
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## POLICY 6.4 (INTERIM)

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

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## DEFINITIONS, continued

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	<ul style="list-style-type: none"> <li>• Exposing another person to a sexually transmitted infection without the knowledge and consent of the person exposed</li> <li>• Causing another person to become incapacitated with the intent of making that person vulnerable to nonconsensual <i>sexual assault</i> or sexual exploitation.</li> </ul>
<b>Staff</b>	Employee of Cornell University who is not faculty.
<b>Stalking</b>	<p>Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for their safety or the safety of others or (b) suffer substantial emotional distress.</p> <ul style="list-style-type: none"> <li>• <i>Course of conduct</i> means two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.</li> <li>• <i>Reasonable person</i> means a reasonable person under similar circumstances and with similar identities to the complainant. This definition is consistent with the Violence Against Women Act.</li> <li>• <i>Substantial emotional distress</i> means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.</li> </ul>
<b>Student</b>	<p>Undergraduate, graduate, medical, veterinary, or professional student upon their commencement of attendance, defined as the earliest of: the first day of the term for which they were admitted; their first day residing in a university residence hall; the first day of a university-sponsored pre-orientation trip, activity, or academic program in which they are participating; or the first day of a graduate assistantship in the first semester/term for which they were admitted. Status as a student ends when the student withdraws or is withdrawn from the university, is dismissed (expelled) from the university, or graduates.</p> <p>An individual participating in a non-credit-bearing program or attending class(es) at the university on a non-credit basis, or an individual attending class(es) at the university on a for-credit basis while still an elementary, middle, or high school student, or foreign equivalent, is not a student for the purposes of this policy.</p>
<b>Supportive Measures</b>	Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or respondent before or after the filing of a formal complaint or where no formal complaint has been filed.
<b>Violating a Supportive Measure and/or Temporary Suspension</b>	For the person to whom an order by a university official applies, knowingly violating any of the conditions of that order. One common example of an order by a university official is a "no-contact" order. Alleged violations are subject to resolution under the procedures of this policy.



## POLICY 6.4 (INTERIM)

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

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## RESPONSIBILITIES – ITHACA-BASED LOCATIONS AND CORNELL TECH

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

<b>Codes Counselor</b>	Serves as a procedural advisor as a Cornell law student and provides free assistance and representation within the campus disciplinary system to those named as either complainants or respondents under this policy and the Student Code of Conduct and to students charged with violations of the Code of Academic Integrity (Respondents Codes Counselors only).
<b>Committee on Academic Freedom and Professional Status of the Faculty</b>	Obtain training, as required, from the Office of Institutional Equity and Title IX on how to recognize prohibited discrimination and protected-status harassment.  In non-Title IX matters, 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.
<b>Complainant's Advisor</b>	Serve as a procedural advisor as a Cornell law student and provides free assistance and representation to complainants under this policy's procedures and within the campus disciplinary system.
<b>Dean, Vice Provost, Vice President (or Equivalent Unit Head)</b>	Conduct reviews of investigative findings and recommendations, and determine and implement any corrective action, in accordance with the applicable procedures for employees.
<b>Department of Inclusion and Belonging</b>	Provide institutional leadership by promoting a learning, living, and working environment in which full participation of all members of the Cornell community is encouraged. Design and deliver innovative strategies to achieve inclusive excellence in our systems, structures, and culture using data collection and workforce analysis.
<b>Faculty and/or Staff Co-Investigator</b>	Collaborates with the investigator in formal complaints against employees conducting the investigation and preparing the investigative report.
<b>General Counsel</b>	Provide legal counsel, as necessary, to the investigators and decision-makers during the investigation or resolution process.
<b>Investigator</b>	Obtain appropriate training and conduct investigations as set forth in the applicable procedures, impartially, promptly, and confidentially.  ♦ <b>Note:</b> The investigator is generally a staff member assigned to the Office of Institutional Equity and Title IX. The investigator may, however, be another individual or entity designated by an appropriate university official to conduct investigations under this policy.
<b>Local Human Resources Representative</b>	Obtain training from the Office of Institutional Equity and Title IX on how to recognize prohibited conduct.  Refer complaints of prohibited conduct under this policy to the Office of Institutional Equity and Title IX.
<b>Office of the Dean of Students</b>	Receive and manage reports of bias incidents involving students.

## POLICY 6.4 (INTERIM)

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

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## RESPONSIBILITIES, ITHACA-BASED LOCATIONS AND CORNELL TECH, continued

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<b>Office of Institutional Equity and Title IX</b>	<p>Enforce the university's civil rights obligations to prevent, address, and remedy bias, prohibited discrimination and protected-status harassment, including sexual and related misconduct, by administering this policy and the accompanying procedures, which includes conducting investigations of formal complaints against students, faculty, and staff.</p> <p>Administer procedures related to alleged prohibited conduct.</p> <p>Promote a learning, living, and working environment that is free from unlawful discrimination and harassment and that complies with applicable federal, state, and local laws, university policies, and the university's Affirmative Action Program.</p> <p>Provide education and training programs on this policy to students, faculty members, and staff members.</p> <p>Provide training for members of the Committee on Academic Freedom and Professional Status of the Faculty, faculty and staff 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 Office of the Dean of Students, the Office of Student Conduct and Community Standards, and other university offices, as appropriate.</p> <p>Collect and track all reports of bias incidents involving faculty and staff, prohibited discrimination, and protected-status harassment, including sexual and related misconduct, made by faculty and staff, students, and visitors to the Office of Institutional Equity and Title IX.</p> <p>◆ <b>Note:</b> The Office of the Dean of Students receives and manages reports of bias incidents involving only students.</p>
<b>Office of Student Conduct and Community Standards</b>	<p>Educate students about behavioral expectations and enforce the Student Code.</p>
<b>President, University</b>	<p>Receive the investigative report in instances where a provost is named as a respondent in a complaint of prohibited conduct under this policy.</p>
<b>Provost, University</b>	<p>Decide appeals in accordance with applicable procedures.</p>
<b>Senior Woman Administrator</b>	<p>Receive questions and concerns about, and reports of, discrimination in participation in intercollegiate athletics.</p>
<b>Supervisor</b>	<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, the Office of Institutional Equity and Title IX 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 imposed if a determination of responsibility for prohibited conduct is made.</p>
<b>Title IX Coordinator</b>	<p>Authorized by the university to coordinate institutional efforts to comply with its Title IX responsibilities and to institute corrective measures on behalf of the university.</p>

Cornell Policy Library  
Responsible Executives:  
Provost; Vice President and  
Chief Human Resources  
Officer; Vice President for  
Student and Campus Life  
Responsible Offices: Office of  
Institutional Equity and Title IX;  
Department of Athletics and  
Physical Education  
Originally Issued: July 8, 1996  
Last Full Review: February 8,  
2017  
Last Updated: March 14, 2022

## POLICY 6.4 (INTERIM)

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

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## RESPONSIBILITIES, ITHACA-BASED LOCATIONS AND CORNELL TECH, continued

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◆ Note: As used throughout this policy and the accompanying procedures, "Title IX coordinator" includes designees who are identified and trained as deputy Title IX coordinators or other university employees appropriately trained to carry out Title IX responsibilities under the direction and authority of the Title IX coordinator. The Title IX coordinator and deputy Title IX coordinators can be contacted by telephone, email, or in person during regular business hours. Reports can be made at any time (including during non-business hours) by using the telephone number (limited to voice mail during non-business hours) or email address, or by mail to the office address listed for Title IX in this policy.

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**Title IX Coordinator, Deputy**

Support the Title IX coordinator in discharging the responsibilities of the Title IX coordinator.

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**University Ombudsman**

Be a confidential resource for community members.

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**Vice President for Student and Campus Life**

Conduct reviews of supportive measures and of temporary suspensions under the "Procedures for Resolution of Reports Against Students" in this policy and decide appeals in accordance with the procedures.

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## POLICY 6.4 (INTERIM)

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

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## PRINCIPLES

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### 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 parties from distributing documents obtained in the course of their participation in matters under this policy's accompanying procedures, 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.

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 Student Code of Conduct.

## POLICY 6.4 (INTERIM)

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

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#### PRINCIPLES, continued

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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 Student 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 (INTERIM)

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

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## PROCEDURES – ITHACA-BASED LOCATIONS AND CORNELL TECH

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### 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 and legal obligations. (See the tables below.) In any given case, the applicable process depends upon both the conduct alleged, the potential sanction for such conduct, and/or the respondent's relationship with the university (student, faculty, staff, 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."

◆ **Note:** Consistent with the purpose of this policy to prevent and address prohibited conduct in its educational programs and activities, Cornell may exercise discretion to treat a third party (not a student, faculty member, or staff member) who is in a contractual relationship with the university (e.g., independent contractor, visiting scholar, etc.) as a respondent under the applicable procedures accompanying this policy.

◆ **Note:** For formal complaints against graduate or undergraduate teaching or research assistants arising out of performance of academic assignments, this policy applies.

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.

Cornell Policy Library  
 Responsible Executives:  
 Provost; Vice President and  
 Chief Human Resources  
 Officer; Vice President for  
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## POLICY 6.4 (INTERIM)

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

## PROCEDURES – ITHACA-BASED LOCATIONS AND CORNELL TECH, continued

### *Procedures under This Policy (Arranged by Respondent)*

Respondent	Prohibited Conduct	Procedure	Primary Contact
<b>Student</b>	Where the respondent is a student who is alleged to have committed aiding prohibited conduct, attempting to commit prohibited conduct, dating and domestic violence, retaliation, sexual assault, sexual exploitation, sexual harassment and sex/gender-based harassment, stalking, and violating a supportive measure and/or temporary suspension:	See " <a href="#">Procedures for Resolution of Reports Against Students Under Cornell University Policy 6.4</a> " – link also available at <a href="http://titleix.cornell.edu/procedures">titleix.cornell.edu/procedures</a>	Office of Institutional Equity and Title IX 500 Day Hall Ithaca, NY 14853 (607) 255-2242 <a href="mailto:titleix@cornell.edu">titleix@cornell.edu</a> <a href="http://biasconcerns.cornell.edu">biasconcerns.cornell.edu</a> (online report form)
<b>Employee</b>	Where the respondent is an employee (faculty or staff) who is alleged to have committed attempting to commit prohibiting conduct, Title IX sexual harassment (which includes quid pro quo harassment, hostile environment sexual harassment and sex/gender-based harassment, sexual assault, dating and domestic violence, and stalking), and retaliation:	See " <a href="#">Procedures for Resolution of Reports Against Employees Under Cornell University Policy 6.4 (Title IX Prohibited Conduct)</a> " – link also available at <a href="http://titleix.cornell.edu/procedures">titleix.cornell.edu/procedures</a>	Office of Institutional Equity and Title IX 500 Day Hall Ithaca, NY 14853 (607) 255-2242 <a href="mailto:titleix@cornell.edu">titleix@cornell.edu</a> <a href="http://biasconcerns.cornell.edu">biasconcerns.cornell.edu</a> (online report form)
	Where the respondent is an employee (faculty or staff) who is alleged to have committed aiding prohibited conduct, prohibited discrimination, protected-status harassment including non-Title IX sexual and sex/gender-based harassment, sexual misconduct (which includes non-Title IX dating and domestic violence, sexual assault, stalking, and sexual exploitation), retaliation, and violating a supportive measure and/or temporary suspension:	See " <a href="#">Procedures for Resolution of Reports Against Employees Under Cornell University Policy 6.4 (Non-Title IX Prohibited Conduct)</a> " – link also available at <a href="http://titleix.cornell.edu/procedures">titleix.cornell.edu/procedures</a>	Office of Institutional Equity and Title IX 500 Day Hall Ithaca, NY 14853 (607) 255-2242 <a href="mailto:titleix@cornell.edu">titleix@cornell.edu</a> (sexual and related misconduct) <a href="mailto:equity@cornell.edu">equity@cornell.edu</a> (discrimination, protected-status harassment) <a href="http://biasconcerns.cornell.edu">biasconcerns.cornell.edu</a> (online report form)

### *Other Processes (Arranged by Type of Conduct)*

Conduct	Procedure
Acts by Third Parties	The accompanying procedures of this policy typically are not available to address misconduct committed by third parties – persons who are not current students, faculty, or staff members. Direct concerns regarding acts by third parties to the Cornell University Police Department (CUPD) or the Office of Institutional Equity and Title IX at the contact information in this policy.
Acts Covered by the Campus Code of Conduct	The Student 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 Student Code of Conduct to the Student Conduct and Community Standards or the Cornell University Police Department.

Cornell Policy Library  
 Responsible Executives:  
 Provost; Vice President and  
 Chief Human Resources  
 Officer; Vice President for  
 Student and Campus Life  
 Responsible Offices: Office of  
 Institutional Equity and Title IX;  
 Department of Athletics and  
 Physical Education  
 Originally Issued: July 8, 1996  
 Last Full Review: February 8,  
 2017  
 Last Updated: March 14, 2022

## POLICY 6.4 (INTERIM)

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

## PROCEDURES – ITHACA-BASED LOCATIONS AND CORNELL TECH, continued

Bias	<p>All community members may direct questions, concerns, or reports of bias, including acts of bigotry, harassment, or intimidation to the Office of Institutional Equity and Title IX (OIETIX). Individuals may file reports by using the online reporting form at <a href="https://biasconcerns.cornell.edu">biasconcerns.cornell.edu</a>.</p> <p><b>For all bias reports:</b></p> <p>If the reporter chooses to remain anonymous, the incident will be documented and used to consider future community education and programming. The accused may be contacted depending on the nature and extent of information provided in the report.</p> <p>All reported incidents are included in the annual report on bias activity. The bias reports are presented as aggregated de-identified data. For more information, visit <a href="https://diversity.cornell.edu/our-commitments/bias-reporting-cornell">diversity.cornell.edu/our-commitments/bias-reporting-cornell</a></p> <p><b>For bias reports involving staff and/or faculty:</b></p> <p>For all reports containing contact information, a member of the OIETIX team contacts the reporter to confirm receipt and schedule a meeting to discuss the desired outcome and explain the actions that will be taken to address the issues raised in the report. Actions are generally educational in nature and can include an accountability and coaching conversation with the involved faculty or staff person and/or the person's supervisor, manager, department chair, or Human Resources representative; conflict coaching; or mediation.</p> <p><b>For bias reports involving students only:</b></p> <p>For reports containing contact information in which the reporter wishes to remain anonymous to other parties involved, a member of the BART (Bias Assessment and Review Team) contacts the reporter to confirm the report was received and offer the opportunity to discuss the incident further or provide additional support or referrals to resources. Additionally, depending on the information provided in the report, the report may be referred to an appropriate office.</p> <p>For reports containing contact information in which the reporter does not wish to remain anonymous to other parties involved, a member of BART contacts the reporter to confirm the report was received and discuss the appropriate forum and available options to address the issues raised in the report. Options may include conflict coaching, mediation, or a restorative justice process. The other parties involved in the report may or may not be contacted depending on the nature and extent of information provided. Actions are generally educational in nature.</p> <p>BART uses a review model to track bias-related incidents. It does not investigate or adjudicate matters.</p>
Discrimination in Intercollegiate Athletics Participation	<p>Community members who have questions or concerns about, or wish to make reports of discrimination in participation in intercollegiate athletics under Title IX may submit inquiries or reports to the associate director of athletics/senior woman administrator at <a href="mailto:athletics@cornell.edu">athletics@cornell.edu</a> or <a href="mailto:titleIX@cornell.edu">titleIX@cornell.edu</a>.</p>
Faculty Reappointment, Promotion, and Tenure	<p>Complaints by faculty of unlawful discrimination in reappointment, promotion, and tenure are governed by appeal procedures set forth in the <a href="#">Faculty Handbook</a>.</p>
Filing a Complaint Externally	<p>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.</p>
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> <p>The United States Department of Education, Office for Civil Rights: <a href="mailto:OCR@ed.gov">OCR@ed.gov</a> or (800) 421-3481</p> <p>The Equal Employment Opportunity Commission: <a href="mailto:info@eoc.gov">info@eoc.gov</a> or (800) 669-4000</p> <p>New York State Division of Human Rights: <a href="mailto:InfoBinghamton@dhr.ny.gov">InfoBinghamton@dhr.ny.gov</a> or (888) 392-3644</p> <p>Tompkins County Office of Human Rights: (607) 277-4080</p>
Workplace Conduct	<p>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.</p>



## POLICY 6.4 (INTERIM)

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## REPORTING OPTIONS, SEEKING ADVICE, AND RESOURCES

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### 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.

### Designated Reporters and Reporting Obligations

The university has identified certain offices and employee positions as Designated Reporters. See the [List of Cornell Designated Reporters](#) (link also available at [titleix.cornell.edu/reporting](http://titleix.cornell.edu/reporting)). The Designated Mandatory Reporters for Weill Cornell Medicine can be found in Weill Policy 206.

When Designated Reporters become aware of an alleged incident of sexual harassment (which includes sexual assault, dating violence, domestic violence, and stalking) or other misconduct under this policy, that involves a student as either the complainant or respondent, they are always obligated to report information they have to the Title IX coordinator. These reporting obligations are in addition to other university reporting obligations, such as in [University Policy 8.8, Children and Youth Safety](#).

Designated Reporters should be prepared to report the name, date, time, location, and description of the incident (if known). They otherwise will maintain an individual's privacy to the greatest extent possible. Designated Reporters also are required to direct students who disclose sexual harassment or sexual misconduct or any other form of prohibited discrimination or harassment to resources that can help.

With the exception of Designated Reporters and supervisors and managers with a duty to respond per this policy, no faculty or staff member is subject to a reporting obligation under this policy. However, they may have reporting obligations under other policies or state or federal law. Although they are not subject to a reporting obligation under this policy, all faculty, staff, and students are encouraged to report incidents to the university and to consult the Title IX coordinator regarding conduct prohibited by this policy.

When the 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 supportive measures.\* The individual will also be advised of the option to pursue a formal complaint, if such an option is available, and any other available reporting options and resources.

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## REPORTING OPTIONS, SEEKING ADVICE, AND RESOURCES, continued

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\* In 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.

#### **Supervisor Duty to Respond to Sexual and Related Misconduct in the Workplace**

All Cornell supervisors and managers understand that sexual harassment is considered a form of employee misconduct. Cornell will enforce sanctions against individuals engaging in sexual harassment and against supervisory and managerial personnel who knowingly allow such behavior to continue. Accordingly, supervisory and managerial personnel must take all reasonable actions to report and respond immediately to any reports or observations of sexual harassment that may impact an employee's working environment. Reports of such conduct should be to the Title IX coordinator.

#### **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 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 Designated Reporters and supervisors and managers with a duty to respond, 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](https://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:

## POLICY 6.4 (INTERIM)

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

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## REPORTING OPTIONS, SEEKING ADVICE, AND RESOURCES, continued

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- Cornell Health (medical and mental health providers, students only): (607) 255-5155
- Community Response Team (students only): dispatch at (607) 255-1111, (607) 254-8598 (non-emergency), [communityresponseteam@cornell.edu](mailto:communityresponseteam@cornell.edu)
- The Faculty and Staff Assistance Program (FSAP) (mental health providers, faculty and staff only): (607) 255-2673, [fsap@cornell.edu](mailto:fsap@cornell.edu)
- The director of the Office of Spirituality and Meaning Making and religious life affiliates of Cornell United Religious Work Chaplains (CURW): (607) 255-6002
- The Cornell Victim Advocacy Program: (607) 255-1212, [victimadvocate@cornell.edu](mailto:victimadvocate@cornell.edu)
- The professional staff of the Women’s Resource Center (WRC): (607) 255-0015, [wrc@cornell.edu](mailto:wrc@cornell.edu)
- The professional staff of the LGBT Resource Center: (607) 254-4987, [lgbtrc@cornell.edu](mailto:lgbtrc@cornell.edu)
- The University Ombudsman: (607) 255-4321, [ombudsman@cornell.edu](mailto:ombudsman@cornell.edu)
- The Advocacy Center of Tompkins County 24/7 hotline: (607) 277-5000, [info@actompkins.org](mailto:info@actompkins.org)

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:

- Cornell Health, Faculty and Staff Assistance Program, and Cornell United Religious Work Chaplains 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 director of the Community Response Team, the Cornell Victim Advocates, the professional staff of the Office of Spirituality and Meaning Making, Women’s Resource Center, 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.

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#### REPORTING OPTIONS, SEEKING ADVICE, AND RESOURCES, continued

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- The Advocacy Center of Tompkins County 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](http://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 Designated Reporters and supervisors and managers with a duty to respond 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 Designated Reporter, supervisor, or manager with a duty to respond will be relayed to the Title IX coordinator or deputy Title IX coordinator only as necessary for the Title IX coordinator to respond and seek resolution as described in the accompanying procedures.

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## SPECIAL PROVISIONS FOR STUDENTS

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### 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;
7. Describe the incident to as few university representatives as practicable and not be required to repeat unnecessarily a description of the incident;

Cornell Policy Library  
Responsible Executives:  
Provost; Vice President and  
Chief Human Resources  
Officer; Vice President for  
Student and Campus Life  
Responsible Offices: Office of  
Institutional Equity and Title IX;  
Department of Athletics and  
Physical Education  
Originally Issued: July 8, 1996  
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#### **SPECIAL PROVISIONS FOR STUDENTS, continued**

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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.