

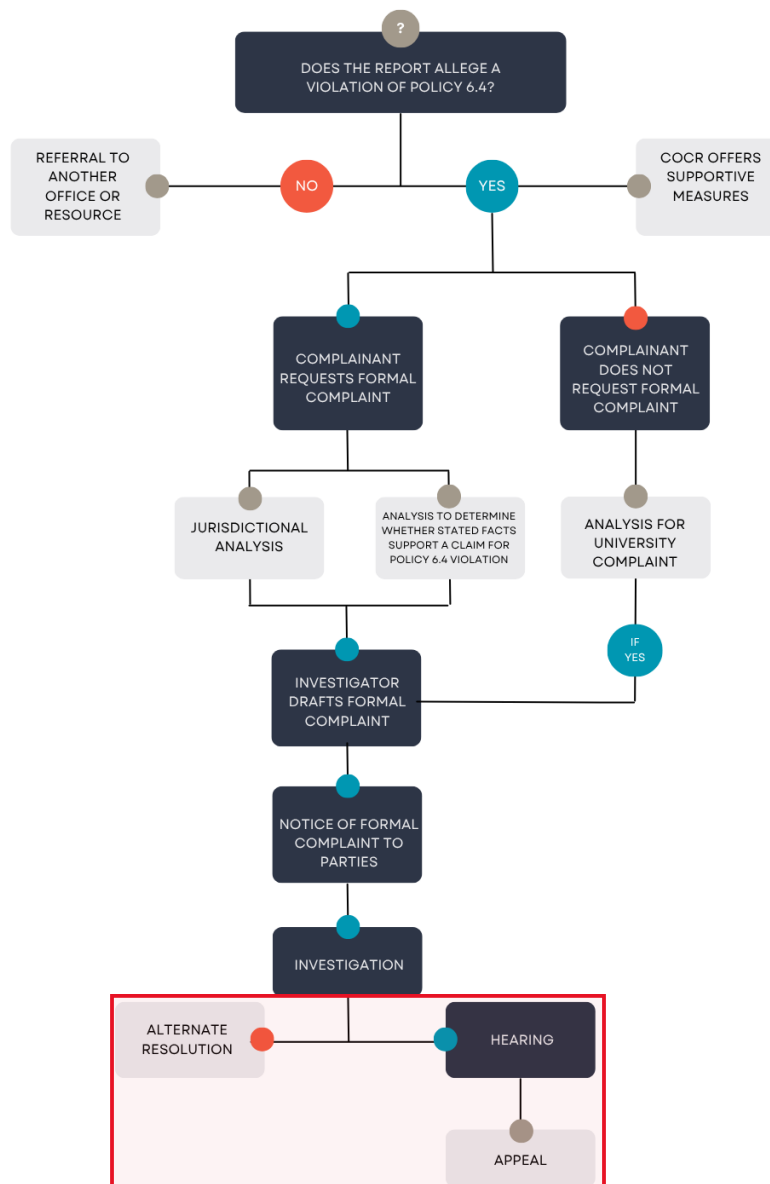
## Guide to Formal Complaint Resolution

### The Procedures for Resolution of Reports Against Students Under Policy 6.4

This guide provides information about the different possible outcomes that can result from the filing of a formal complaint. It offers detailed information about what sanctions and remedies entail, including what it means for a sanction to be “reportable,” as well as the University’s official transcript notation policy. It concludes with information about the conclusion of an investigative process, including record retention, restoring a respondent’s reputation upon dismissal of a formal complaint, and resources parties can utilize after a process has been completed.

CORNELL OFFICE OF CIVIL RIGHTS

### Process for Resolution of Reports Against Students Under Policy 6.4



<b>Formal Complaint Resolution: Hearing Panel &amp; Appeal; Alternate Resolution; Pre-Hearing Formal Complaint dismissals</b>
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Generally, most formal complaints resolve either with a decision by a Hearing/Appeal Panel or by a written agreement between the parties and the University called an Alternate Resolution. Occasionally, a formal complaint (or some of the allegations therein) may be dismissed by the Cornell Office of Civil Rights, or an investigator may make a Threshold Determination that certain allegations are not sent to a Hearing Panel. Below is a chart showing the different types of resolutions over the past five years for which data is currently available.<sup>1</sup>

Academic Year	Resolution by Hearing/Appeal	Alternate Resolution	Dismissal	Threshold Determination
2019-2020	3	6	1	0
2020-2021	6	3	0	0
2021-2022	12	9	5	0
2022-2023	10	11	1	0
2023-2024	7	4	2	0

### Resolution by Hearing/Appeal

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. The hearing is designed to provide the parties with a fair opportunity to present relevant information to the Hearing Panel.

All efforts will be made to schedule the hearing as soon as practicable after the parties and Panel receive the final investigative report and record. COCR aims to schedule hearings 3-5 weeks after the issuance of the final investigative report and record. This timeline may be prolonged if the parties request extensions that are approved by the Hearing Chair.

The parties may submit written opening statements and requests for witnesses within five days of receiving the investigative record and report. The parties may request questions to be asked of witnesses by the Hearing Panel and may make an oral closing argument.

During the Hearing, the parties will not appear in the same room and may never directly address each other. The Procedures provide for two very similar hearing processes. In Hearing Process B, the Hearing Panel and Hearing Chair conducts all questioning. In Hearing Process A, the Hearing Panel and Hearing Chair conduct the initial questioning, followed by questioning by the party's own advisor, followed by questioning by the other party's advisor.

A Hearing Panel is comprised of three trained faculty and staff members from the University and led by a non-voting Hearing Chair. (For more information on the Hearing process, please see [Procedures](#), Section 26). Hearing Panelists are trained annually on Policy 6.4, our Procedures, and other topics related to sexual/interpersonal misconduct and fair adjudications.

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<sup>1</sup> Data for the 2024-2025 Academic Year is anticipated to be available in Spring 2026.

The Hearing Panel will issue a written decision as expeditiously as possible upon completion of deliberations. Parties are generally notified of the hearing outcome by written decision 3-5 weeks after the Hearing.

Both parties are permitted to appeal the outcome of the hearing. (For more information on the Appeal process, please see [Procedures](#), Section 27). If there is an appeal, the Appeal Panel decision is typically issued two months after the Hearing Panel decision. This timeline may be prolonged if the parties request extensions that are approved by the Appeal Panel.

### **Alternate Resolution**

At any time after a Formal Complaint has been filed and before a hearing commences, the parties may seek to resolve a report of prohibited conduct through Alternate Resolution.

Participation in Alternate Resolution is entirely voluntary; the Title IX Coordinator will neither pressure nor compel either party to participate in the process or to agree to any specific terms. In every case, the Title IX Coordinator has discretion to determine whether the matter is appropriate for Alternate Resolution and to determine the appropriate terms.

The parties can initiate the Alternate Resolution process by emailing the Title IX Coordinator directly at [titleix@cornell.edu](mailto:titleix@cornell.edu). In most cases, the Title IX Coordinator will meet or communicate with both parties separately to discuss their desired outcomes and assess whether these desired outcomes align with resolutions to those to which the other party may be amenable. The Title IX Coordinator will also determine whether a proposed resolution is appropriately tailored to the nature of the misconduct. Cases where there is not agreement between the parties and the Title IX Coordinator will not be eligible for Alternate Resolution and will return to investigation.

Prior to meeting with the Title IX Coordinator, parties are encouraged to reflect on whether they are seeking formal or informal alternate resolution, and what, if any, sanctions and remedies they believe are appropriate. They are encouraged to work with their advisors and/or support persons to think about possible remedies geared toward helping the complainant feel “whole” and move forward after the harm done by the allegations in the formal complaint.

### **Restorative “Informal” Resolution**

In an informal resolution, the parties seek to agree on a set of remedies. Upon successful completion of these remedies, the formal complaint will be withdrawn and may not be refiled.

Examples of remedies may include:

- *Impact Letter* – a letter detailing the impact of the actions in the formal complaint, written by the complainant and provided to the respondent by COCR
- *Apology Letter* – a letter written by the respondent to the complainant, apologizing for the behavior in the formal complaint and for the harm caused. The respondent need not admit responsibility for violating Policy 6.4 in this letter, but is instead encouraged to focus on the impact of their actions on the complainant.
- *Directed Study* – the respondent is required to read and/or watch relevant materials (as directed by the agreement) and meet with a facilitator to discuss those materials and how they apply to the facts articulated in the formal complaint. The materials may include an impact letter written by the complainant.

- *Reflection paper* – the respondent is asked to analyze how the other materials they’ve reviewed (impact letter, directed study) have shaped their perspective on the allegations in the formal complaint
- *Alcohol or Drug Education (AOD Support Session)* – An AOD support session is an appointment with a CAPS Counselor to discuss the party’s relationship with substances, create a plan and identify other resources that would be helpful to them (including workshops, individual or group counseling, and off-campus supports depending on their goals). The Respondent would also agree to follow the guidance and recommendations developed during this support session with Cornell Health. If a student has acknowledged that the way they're using substances is causing harm in their day-to-day life and is already motivated to reduce their use, an AOD Support Session can be an appropriate remedy.
- *Referral for counselling on specific topics (i.e., Anger Management)* - The respondent can be required to work with a mental health provider to increase their awareness around certain, proscribed topics. If this can be accomplished under existing treatment, the respondent can have their current provider write a brief note confirming their engagement in counselling on these topics. If this is not a part of current treatment, the respondent should notify COCR who will work with CAPS to determine an appropriate program.
- *A No-Contact Order for a stated period of time* – The parties can agree to continue the No-Contact Order that was in effect during the investigation. They can also request modifications such as the removal of a “stay-away” provision, or the inclusion/exclusion of certain on-campus locations.
- *Mediation* – Mediation is a voluntary process facilitated by trained mediators in which the parties talk to each other directly in order to come to a personal agreement at the conclusion of the formal complaint process. Any other agreements that are reached during the mediation must be agreed to by both parties.
  - Parties are encouraged to work with an advisor/support person and have them present at all meetings. At the mediation itself, all parties must consent to the presence of advisors/support persons.
  - Instances in which the two parties being in the same space presents an elevated safety concern (as determined by the Title IX Coordinator, with input from the parties) will not be appropriate.
  - Mediations are conducted by a trained mediator from the Scheinman Institute on Conflict Resolution.
  - After an agreement to mediate a concern is reached with COCR, parties will complete one pre-mediation meeting with the mediator (at which the other party is not present). The goal of this meeting is to ensure the party understands the process and possible outcomes.
  - The mediation itself can be conducted in person or via Zoom. Mediations typically last 1-2 hours.
  - Parties and their advisors are bound by a confidentiality agreement, which applies to what is discussed during the mediation. This confidentiality agreement is not a “non-disclosure agreement;” parties maintain the right to speak about each other and/or the experience that led to the filing of the formal complaint

Because of the interpersonal nature of many Policy 6.4 complaints, remedies that involve community service or financial donations and/or compensation will typically not be considered appropriate.

### **Negotiated “Formal” Alternate Resolution**

Formal alternate resolution differs from informal alternate resolution in that it: (1) requires the respondent to accept responsibility for violating Policy 6.4, and (2) includes a sanction, in addition to any potential remedies listed above.

For more information about sanctions, including associated topics such as whether the violation is reportable and whether the respondent receives a transcript notation, please review those sections, later in this guide.

### **Dismissal of a Formal Complaint**

While most formal complaints are resolved through one of the two processes outlined above (hearing or Alternate Resolution), all or part of a formal complaint can be dismissed by COCR. Dismissal is relatively rare, and typically occurs when either the complainant indicates in writing they wish to withdraw the formal complaint or because the respondent fully withdraws as a student from Cornell.

The Title IX Coordinator may dismiss a Formal Complaint and close a case where:

- there is no jurisdiction under the procedures; or
- the facts set forth in the Formal Complaint do not constitute prohibited conduct under the procedures; or
- the complainant fails or refuses to cooperate with the investigation such that the investigator is unable to investigate despite reasonable measures, including where the complainant cannot be located, the complainant fails or refuses to be available for interviews or meetings, or the complainant fails to provide necessary information; or
- the complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations therein, prior to resolution; or
- the respondent is no longer enrolled in the University; or
- specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

Upon any dismissal, the Title IX Coordinator will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties. (For more information, please see [Procedures](#), Section 22).

### **Threshold Determination**

A **threshold determination** is a specific kind of dismissal that occurs once the entire investigation is concluded and before the formal complaint can be advanced to a Hearing. In every final investigative report, the investigator makes a threshold determination as to whether (or not) there is sufficient evidence to advance the formal complaint to a Hearing.

The investigator may dismiss allegations from the formal complaint if they conclude that, when viewing the evidence in the light most favorable to the complainant, there is no reasonable basis to find that the respondent committed the alleged prohibited conduct. The proceedings will be terminated, the Formal Complaint (or individual allegations) dismissed, and the parties will be notified in a written decision that can be appealed to the Hearing Panel. (For more information on this process, please see [Procedures](#), Section 24.9).

## Sanctions

The following is a list of sanctions available if the respondent is found responsible of violating Policy 6.4:

- Alcohol or Drug Education (BASICS) - BASICS stands for Brief Alcohol Screening and Intervention for College Students. BASICS is a program typically used as a sanction that helps students learn and understand their alcohol and other drug usage along with harm reduction strategies that will reduce harmful consequences for themselves and their peers. For a student who is already motivated to reduce their use, an AOD support session is more likely to be useful.
- Oral warning: yields no reportable disciplinary record. (For more on Reportability, see that section, below)
- Written reprimand: may be reportable up to a student's graduation
- Disciplinary probation for a stated period: Disciplinary Probation requires four meetings with a member of the OSCCS in the first semester of probation. After the first semester, there will be one meeting per term for the duration of the probation. Maintaining acceptable probationary status includes complying fully and timely with all required meetings and refraining from future student disciplinary violations. May be reportable until a student's graduation
- Suspension from the University for a stated period (not to exceed three years). During a suspension, a student is temporarily separated from the University. They may not take classes or earn academic credit from another University that can be used towards the completion of their Cornell degree. Other privileges, such as the use of their NetID, are also restricted. The student is not permitted in Cornell housing or on Cornell's campus (absent express written permission from CUPD): a persona non grata ("PNG") is put in place by Cornell University Police for the duration of the suspension. Suspensions are permanently reportable and result in a permanent transcript notation (see, [University Transcript Notation policy](#))
- Dismissal (aka expulsion) from the University. Dismissal is a permanent separation from the University, with no option to return. If the Respondent has not already completed their Cornell coursework, they are ineligible to earn their degree from Cornell. CUPD may issue an indefinite PNG. This sanction is permanently reportable and results in a permanent transcript notation (see [University Transcript Notation policy](#))

Other sanctions and remedies can include restrictions or loss of specified privileges at the University for a period of time. For example, the respondent can be restricted from living in on-campus housing, working in certain on-campus jobs, participating in certain extracurricular activities, attending certain alumni events, etc.

In determining sanctions and remedies, the following factors are considered:

- the severity of the prohibited conduct;
- the circumstances of the prohibited conduct;
- the impact of the prohibited conduct and sanctions and remedies on the complainant;
- the impact of the prohibited conduct and sanctions and remedies on the community;
- the impact of the prohibited conduct and sanctions and remedies on the respondent;
- prior misconduct by the respondent, including the respondent's previous school disciplinary record, both at Cornell University and elsewhere, and any criminal convictions;
- the goals of Policy 6.4 and its procedures; and
- any other mitigating, aggravating, or compelling factors.

An anonymized history of formal complaint allegations, findings, and sanctions, organized by academic year and dating back to 2016-2017 can be found on our website: <https://titleix.cornell.edu/statistics/>.

Certain sanctions may not be applicable (or may be modified) if the respondent has earned their degree during the pendency of the case. For example, a respondent's graduation will prevent full implementation of a suspension. Nonetheless many components of a suspension can be implemented (barred from campus for a period of time, from alumni events, netID suspension, etc.).

#### **Sanction Reportability and Guidance to Respondents on Disciplinary Record Disclosures**

Reportability generally means the information the University reports in response to an internal or external inquiry<sup>2</sup> about a student's disciplinary history. Internal and external inquiries about a student's disciplinary history should be directed to [studentconduct@cornell.edu](mailto:studentconduct@cornell.edu).

If a violation is reportable, the following information may be given in response to an inquiry:

- Date of referral
- Violation(s) (provisions of the Code or Policy 6.4)
- Sanction(s) (only the title, so things like a reflection paper, directed study, etc.)
- Current standing for the student:
  - "Good Standing" means the student has completed or is on track to complete their sanctions;
  - "Not in Good Standing" if the student is serving a suspension or has been dismissed or the student has overdue sanctions.

#### **University Transcript Notation Policy**

COCR follows the Office of the University Registrar's [Transcript Notation Policy](#). The following sanctions result in a permanent transcript notation:

- Dismissal after a finding of responsibility,
- Suspension after a finding of responsibility, and
- Withdrawal from the institution while such a matter is pending.

The transcript notation for Policy 6.4 matters says, "Suspended on DATE through DATE after a finding of responsibility for a conduct violation."

**Removal of a Transcript Notation (Suspension only).** Students may submit a written application requesting that a suspension notation be removed to the [Office of Student Conduct and Community Standards](#). Suspension notations will remain in place for at least one year following the completion of a suspension and applications for removal will not be accepted prior to this minimum time period. Transcript notations after dismissal or withdrawal are not eligible for removal.

Applications for removal of a suspension notation will be reviewed by the Vice President for Student and Campus Life (VP SCL) or designee. Applications must be 4,000 words or less and include a personal statement in addition to any other information, letters, and/or documentation the student wishes to be considered by the VP SCL or designee. The VP SCL or designee will set a reasonable timeline for handling the application for removal. If an application for removal is denied, the applicant may submit a second

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<sup>2</sup> Whether the University discloses a student's disciplinary history is also generally subject to a signed FERPA waiver by the student.

application for removal no earlier than six months after denial for the first application. Any subsequent applications by that individual will not be considered.

Removal of a suspension notation will have no impact on retention of the underlying disciplinary record pursuant to University Policy 4.7, Retention of University Records and disciplinary record reporting on background checks or other education record requests.

#### **Record Retention**

Disciplinary records (entire case files, including records of any hearing, regardless of whether there are findings of violation) for any formal complaint brought under the Procedures for Resolution of Reports Against Students Under Cornell University Policy 6.4 are kept for seven years. (For more information, please see Cornell University [Policy 4.7](#), Retention of University Records).

#### **Restoring a Respondent's Reputation Upon Dismissal of a Formal Complaint**

Upon completion of all proceedings, including any appeals, if a Formal Complaint has been dismissed, where appropriate, the Title IX Coordinator can attempt to restore the reputation of the respondent. (For more information, please see Procedures, Section 30).

Generally, the Title IX Coordinator will do this by writing a "To Whom it May Concern" letter, outlining the procedural facts of the case, including the circumstances under which the formal complaint was dismissed (for example, by agreement between the parties or by a finding by a Hearing Panel). The Title IX Coordinator will share this letter with the Respondent, who is permitted to share it more broadly.

#### **Support for Parties at the Conclusion of the Process**

The conclusion of a formal complaint process can be difficult, regardless of whether you are satisfied with the outcome. As is the case throughout the investigation, we encourage you to prioritize your mental and physical wellbeing, and to communicate your specific needs and circumstances to us throughout the process so that we may best assist you. We also welcome your feedback.

- Cornell Health: Individual Counselling (CAPS) <https://health.cornell.edu/services/mental-health-care>
- Cornell Health: Support Groups for Survivors of Sexual Violence: <https://health.cornell.edu/services/mental-health-care/group-counseling>
- Cornell Student Support and Advocacy Services: <https://scl.cornell.edu/identity-resources/office-dean-students/student-support-and-advocacy-services/get-help>
- Cornell University Police: (607) 255-1111
- Ithaca Crisisline: (800) 273-8255