



Procedure for Resolution of Reports Against Students of Prohibited Conduct (Excluding Sexual Misconduct) Under Cornell University Policy 6.4

This Procedure applies to all units of the University except for Weill Cornell Medicine, which will administer Policy 6.4 under Weill Cornell Medicine procedures.

The following forms of Prohibited Conduct are adjudicated under this Procedure:

- Discrimination
- Protected Status Harassment (Excluding Sexual Misconduct)

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1 JURISDICTION

This Procedure applies when a Student of the University is alleged to have committed Discrimination or Harassment, as defined herein (collectively referred to as “Prohibited Conduct”), on any campus of the University, on any other property or facility used by it for educational purposes, or on property owned or controlled by a University-related residential organization, student organization, sorority, or fraternity that is officially recognized or registered with the University. All actions that involve the use of the University computing and network resources from a remote location, including but not limited to accessing email accounts, will be deemed to have occurred on campus.

This Procedure will also apply regardless of the location of the alleged Prohibited Conduct where the Associate Vice President of the Cornell Office of Civil Rights (“COCR”) or their designee determines that the alleged Prohibited Conduct has either:

- Occurred in the context of a University Education Program or Activity; or
- May have created a Hostile Environment because of Equal Education and Employment Opportunity (EEO) Protected Status (“Protected Status”) on any campus of the University, or in the University’s Education Program or Activity.

2 EFFECTIVE DATE OF THIS PROCEDURE

This Procedure applies to all conduct which occurs on or after _____, 2025.

3 DEFINITIONS

This Procedure utilizes the definitions contained in [Policy 6.4](#). Additional definitions specific to this Procedure is detailed below.

3.1 Prohibited Conduct

Prohibited Conduct under this Procedure includes Discrimination and Harassment

3.1.1 Prohibited Discrimination

“Prohibited Discrimination” occurs when a decision or action related to an education, cocurricular or extracurricular program or activity results in negative and/or different treatment of an individual based upon their Protected Status, such as denying an opportunity for which an individual is qualified, not considering a person for an opportunity that is open to others, singling a person or group for different treatment because of her, his or their Protected Status, or reinforcing the use of stereotypes that unreasonably impacts a person’s environment or opportunities.¹

¹ Notwithstanding Policy 6.4’s prohibition on discrimination, a sports club may restrict membership based on gender where selection for such clubs is based upon competitive athletic skill or the activity involved is a contact sport. Organizations may also make requirements based on vocal range or quality which may result in a chorus or choruses of one or predominantly one gender.



3.1.2 Harassment

Under this Procedure, Harassment is unwelcome conduct based on Protected Status (or perceived Protected Status) that, based on the totality of circumstances, is:

- 1) Subjectively and objectively offensive, and
- 2) So severe or pervasive that it,
- 3) Limits or denies a person's ability to participate in or benefit from Cornell's Education Programs or Activities.

In other words, the unwelcome conduct creates a hostile environment.

In evaluating whether a hostile environment exists, Cornell will evaluate the totality of known circumstances, including, but not limited to:

- The frequency, nature, and severity of the conduct;
- Whether the conduct was physically threatening;
- The effect of the conduct on the Complainant's mental or emotional state;
- How the conduct affected the terms, conditions or privileges of education, cocurricular or extracurricular programs;
- Whether the conduct arose in the context of other discriminatory conduct; and
- Whether there is a power differential between the parties.

3.2 Retaliation

Retaliation is adverse action against any person for the purpose of interfering with any right or privilege secured by Policy 6.4, or the associated Procedures, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, hearing, or informal resolution.

4 TIME LIMITS FOR FILING A REPORT WITH COCR

There is no time limit on reporting allegations of Prohibited Conduct as defined in this Procedure. However, to promote timely and effective review, the University strongly encourages Complainants and others with knowledge of possible Prohibited Conduct to make reports as promptly as possible. A delay in reporting may affect the University's ability to respond meaningfully, investigate thoroughly, remediate any hostile environment, or refer Respondents to the Office of Student Conduct and Community Standards for potential Student Code of Conduct Violations.

5 OBLIGATION TO PROVIDE TRUTHFUL INFORMATION

At all stages of the process, all Cornell University students, staff, and faculty are expected to provide truthful information. Students who furnish false information to the University with intent to deceive will be subject to disciplinary proceedings under the Student Code of Conduct.



Employees who do so will be referred to their local human resources for potential disciplinary measures.

This provision does not apply to Reports made or information provided in good faith, even if the facts alleged are not later substantiated.

6 PRIVACY

Participants in this process are prohibited from distributing documents obtained from COCR. As an exception to this rule, participants may share documents during consultation with an Advisor; 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.

A university official, such as the AVP COCR, or a designee, may issue an order restricting the parties from disclosing specific information. Students who violate such an order of a university official will be subject to disciplinary actions under the Student Code of Conduct; employees who violate such an order will be referred to their local human resources for disciplinary action. Additionally, sharing private information in a manner that harms another individual may constitute Retaliation under Policy 6.4.

Parties may choose whether to disclose or discuss with others the outcome of a complaint under this policy.

For additional information, please see [Policy 6.4](#), Section 4.3 (Privacy).

In compliance with the Clery Act, COCR will assess reported conduct and refer appropriate referrals to the Division of Public Safety if alleged conduct poses a serious or ongoing threat to the campus community. COCR will also record de-identified information about the Report for the purpose of fulfilling University data collection and reporting obligations.

At all times, COCR will maintain the parties' privacy to the greatest extent possible and disclose information only as necessary pursuant to this Procedure.

7 THE UNIVERSITY'S RESPONSE TO A REPORT OF PROHIBITED CONDUCT

7.1 Initial Assessment and Response

Upon receipt of a Report of alleged Prohibited Conduct, COCR will promptly review the report, and will send a written communication to the Complainant (if known) or the Reporter (if Complainant's identity is unknown) with an explanation of available resources and options and will offer an opportunity to meet.

If the Complainant's identity is unknown, COCR will attempt to identify the Complainant, the potential Respondent, any witnesses, and/or any other third party with knowledge of the reported



incident, and take reasonable steps to ensure any concern of Prohibited Conduct in Cornell's Education Program or Activity is appropriately addressed.

COCR will then conduct an initial assessment of the reported information. This initial assessment seeks to gather information to determine whether Policy 6.4 applies to the reported conduct, and if so, what form of resolution is reasonably available and appropriate.

This initial assessment evaluates reasonably available information to make the following determinations:

- 1) Whether the conduct, as alleged, is based on actual or perceived Protected Status;
- 2) Whether the conduct, as alleged, is both subjectively and objectively offensive; and
- 3) Whether the conduct, as alleged, is severe or pervasive.

If the answer to any of these questions is no, COCR does not have jurisdiction or authority to address the Report under this Procedure. If the impacted party to the alleged conduct is a Cornell Student or Employee as defined in Policy 6.4, COCR will provide the impacted party with a letter detailing the initial assessment.

When COCR receives a Report that does not allege Prohibited Conduct under this Procedure, but may constitute another form of conduct prohibited by the University, COCR will refer the Report and/or the reporter to another, appropriate office or resource.

After conducting an initial assessment of the alleged conduct, COCR will determine what immediate steps, if any, are required to end any harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring. This initial response will occur regardless of whether a Complainant or Respondent has been identified, whether a Complainant responds to outreach from COCR, or whether a Complainant wishes to move forward with a Formal Complaint. All steps of an Initial Assessment and Response will be documented by COCR.

7.2 Advisors and Support Persons

At all stages under this Procedure, the parties have the right to be accompanied by one Advisor of their own choosing. Student parties will be offered the assistance of an Advisor provided by the University to assist and advise the party. As an alternative to using an Advisor offered by the University, each party has the right to select and consult with an Advisor of their own choosing.

The parties also have the right to a Support Person of their choice to provide emotional support to the party.

Advisors and Support Persons can be any person, including an attorney, with the exception that they may not be otherwise involved in the circumstances underlying the report (for example, Advisors and Support Persons may not be witnesses to the underlying conduct), or responsible for current or future action in response to the complaint.



Advisors and Support Persons may accompany a party to all meetings, such as investigative interviews and proceedings, but may not speak on the party's behalf at any time, or interfere with meetings or proceedings.

Advisor or Support Person unavailability cannot cause undue delay. A party may be required to choose a different Advisor if their current Advisor is not readily and consistently available to participate in the process.

All Advisors and Support Persons must comply with the rules and processes set forth in Policy 6.4 and this Procedure, including rules regarding privacy, as well as the University's Core Values. Failure to do so may result in the inability to serve as an Advisor or Support Person.

7.3 Interim Measures

Interim measures are actions taken to support and protect the safety and health of the Complainant, the Respondent, the University's educational environment, and the University community; to restore or preserve equal access to the University's educational program or activity; to deter retaliation; to promote the goals of Policy 6.4, and to preserve the integrity of the Policy 6.4 process.

Examples of Interim Measures include, but are not limited to:

- assistance obtaining access to counseling, advocacy, or medical services;
- assistance obtaining access to academic support and requesting academic accommodations;
- changes in class schedules;
- assistance requesting changes in work schedules, job assignments, or other work accommodations;
- changes in campus housing;
- safety escorts;
- individualized prevention and awareness training;
- restrictive orders; and
- mutual "no-contact" orders (curtailing or prohibiting contact or communications between or among individuals).

COCR may issue Interim Measures on its own initiative or based upon a party's request. In all instances, COCR has the discretion to determine whether an Interim Measure is reasonable and appropriate. Interim Measures are available regardless of whether a Formal Complaint has been filed under this Procedure.

Violations of an order regarding Interim Measures may be subject to discipline under the appropriate procedures.



8 REPORT RESOLUTION

COCR will seek to understand the Complainant's preference for pursuing resolution under this Procedure. The University strongly supports the Complainant's wishes as to how their experience is handled, but must also balance the university's obligation to assure working and learning environments free from discrimination and harassment. As such, regardless of whether a Complainant or Respondent has been identified, whether a Complainant responds to outreach from COCR, or whether a Complainant wishes to move forward with a Formal Complaint, COCR will engage in any step required to end any harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring.

8.1 Formal Complaint Resolution

A Formal Complaint may be initiated if (1) the Complainant requests a Formal Complaint verbally or in writing; or (2) the AVP COCR or their designee determines that a Formal University Complaint is appropriate under the circumstances.

In determining whether to file a University Complaint, COCR will consider the following factors:

- 1) The reasons for the Complainant's request not to proceed with initiation of a Formal Complaint, including the Complainant's reasonable safety concerns;
- 2) The risk that additional acts of Prohibited Conduct would occur if a Formal Complaint is not initiated;
- 3) The severity of the alleged Prohibited Conduct;
- 4) The scope of the alleged Prohibited Conduct, including information suggesting a pattern, ongoing Prohibited Conduct, or that the alleged Prohibited Conduct has impacted multiple people; and
- 5) Whether the University could end the Prohibited Conduct and prevent its recurrence without initiating a Formal Complaint.

If COCR determines that filing a University Complaint is appropriate, they will notify the Complainant and will take necessary action to protect the Complainant from retaliation and assist the Complainant with any interim measures necessary to ensure their access to Cornell's programs and activities.

The Complainant is not required to participate in any proceedings that follow. However, if the Complainant declines to participate in meetings, an investigation and/or a resolution process under this Procedure, the University's ability to investigate meaningfully and respond to a report may be limited. Further, in instances of University-Initiated Formal complaints, if the Complainant chooses not to participate, the information COCR shares will be limited to that which is directly relevant to the Complainant's ability to access an educational environment free from discrimination and harassment.



8.2 Informal Resolution

In recognition that a wide spectrum of conduct can constitute Prohibited Conduct under this Procedure, COCR may resolve reports informally as appropriate based on the circumstances. COCR has discretion to determine whether a matter is appropriate for Informal Resolution and to determine the appropriate terms.

COCR will administer the Informal Resolution process and have access to all University records related to the matter.

Participation in Informal Resolution is entirely voluntary; COCR will neither pressure nor compel a party to participate in the process or agree to any specific terms.

Once an Informal Resolution has been agreed upon and implemented, the Complainant may not seek to file/refile the Formal Complaint absent new allegations of Respondent misconduct. The parties are expected to honor and comply with the terms of the Informal Resolution. Noncompliance may be subject to applicable disciplinary measures.

8.3 Pending Criminal Investigations

In addition to the University investigating potential Policy 6.4 allegations, CUPD or other law enforcement may investigate alleged criminal matters. In cases in which there is a criminal investigation, the University process will run concurrently with such investigation; however the University may grant temporary delays reasonably requested by law enforcement for evidence gathering.

8.4 Pending Office of Student Conduct and Community Standards (OSCCS) Investigations

In situations where Student conduct implicates both Policy 6.4 and the Cornell Student Code of Conduct, the COCR and OSCCS investigative processes will run concurrently, unless good cause is present for either office to request a temporary delay of its process. Any such delay will be communicated in writing to the parties.

8.5 Presumption of Non-Responsibility; Burden of Proof; Standard of Proof

The Respondent will be presumed “not responsible” unless and until the investigator determines the Respondent is responsible. The University bears the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility. The standard of proof used under this Procedure is the preponderance of evidence standard, which means more likely than not.



8.6 Notice to Parties Upon the Issuance of a Formal Complaint

At the issuance of a Formal Complaint, COCR will notify the Complainant and the Respondent, in writing, of the commencement of an investigation and provide both parties with a copy of the Formal Complaint. The Formal Complaint will:

- identify the Complainant and the Respondent;
- specify the alleged Prohibited Conduct and its date, time, and location, to the extent known;
- specify the basis for jurisdiction over the Formal Complaint;
- include information about Policy 6.4 and this Procedure;
- explain the prohibition against Retaliation; and
- instruct the parties to preserve any potentially relevant evidence.

If, in the course of an investigation, the Complainant or COCR requests investigation of allegations of Prohibited Conduct not included in the original notice, notice of the additional allegations will be provided to the parties.

8.7 Dismissal of a Formal Complaint

COCR may dismiss² a Formal Complaint and close a case at any time where:

1. The Respondent is not participating in the University's education program or activity and is not employed by the University;
2. The University does not have jurisdiction over the alleged conduct;
3. The Complainant fails or refuses to cooperate with the investigation such that COCR 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;
4. The Complainant notifies COCR in writing that they would like to withdraw the Formal Complaint or any allegations therein, prior to resolution, and COCR determines that a University Complaint is not required;
5. The AVP COCR or their designee determines the conduct alleged in the Formal Complaint, even if proven, would not constitute Prohibited Conduct under this Procedure; or
6. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

Upon any dismissal, COCR will promptly notify the Complainant of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, COCR will also notify the Respondent of the dismissal and the basis for the dismissal.

² Where appropriate, COCR may dismiss a Formal Complaint prior to providing the Notice of Formal Complaint to both parties.



Importantly, even if a complaint is dismissed, Cornell will take appropriate action to address any hostile environment based on protected class and may take additional steps to remediate the conduct.

8.8 Overview of the Investigation

The Investigation is designed to be timely, thorough, and impartial and to provide for a fair and reliable gathering of the facts. All individuals involved in the investigation, including the Complainant, the Respondent, and any third-party witnesses, will be treated with sensitivity and respect.

The Investigation will be completed within ninety (90) business days of the issuance of the Formal Complaint. This time period is measured from the date the Respondent receives the Notice of Formal Complaint and ends when the final investigative report and record is distributed to the parties. This time-period may be subject to reasonable extension on a case-by-case basis for good cause, with notice to the parties that includes the reason for the delay.

Throughout the Investigation, both parties will receive reasonable written notice of any meetings at which their attendance is requested. The parties will also be updated at regular intervals on the status of the investigation.

The investigator will establish and apply equitably to the parties reasonable time limits for the various stages of the investigation, including meetings and deadlines for any submissions or responses. The parties must adhere to these deadlines.

Throughout the investigative process, the investigator may consult appropriate university officials, subject-matter experts, and/or the Office of General Counsel.

8.9 Consolidation of Reports and Formal Complaints

Generally, at the discretion of the AVP COCR or their designee, multiple Reports or Formal Complaints of alleged Policy 6.4 violations that are factually related will be joined in one investigation.

8.10 Collection of Evidence

The investigator will gather information from the Complainant, the Respondent, and other individuals who have relevant information through conducting interviews and collecting physical evidence, documents, communications between the parties, and electronic records and media as appropriate. When the investigator requests evidence from a party or witness, they are expected to cooperate.

The parties will have the opportunity to request witnesses they would like the investigator to interview and suggest questions and topics they would like the investigator to ask witnesses, themselves, and the other party.



The investigator has the discretion to determine the relevance of any proffered evidence or witnesses, and, accordingly, the investigator will determine which evidence to obtain and which witnesses to interview.

Investigative interviews with the parties and any witnesses may be recorded at the discretion of the Investigator. At the start of a recorded interview session, the Investigator will inform an interviewee that the session is being audio recorded.

Parties and witnesses will receive copies of any audio recordings of their own interviews. The parties will be provided with access to listen to any audio recordings of other witnesses and/or other party interviews upon request during business hours at a secure and private campus location, with access facilitated by COCR.

All persons being interviewed, including the parties, and their advisor and support person are prohibited from recording interviews. In the event of a failure rendering an audio recording of an interview inaudible in whole or in part, the Investigator will either reconstruct the interview with input from the interviewee or re-conduct the interview, as the Investigator deems appropriate. The reconstructed interview statement will become part of the investigative record.

8.10.1 Declining to Participate in an Investigation

Both the Complainant and the Respondent may decline to participate in any portion of the investigation, and cannot be subject to Retaliation for failure to participate. However, employee witnesses who choose not to participate may be subject to disciplinary action. The non-cooperation or non-participation of a party or witness cannot be the basis of an adverse action or inference in any case involving an individual Respondent.

A party or witness's declination to participate in the investigation will be noted in the investigative report. The University may continue without a party's participation.

8.11 Investigative Record and Investigative Report

The Investigative Record is a compilation of the interviews and evidentiary materials collected during the investigation.

The Investigative Report explains the scope of the investigation, and summarizes the information gathered during the investigation, and includes findings of fact and credibility assessments based on the Investigator's interactions with the Complainant, Respondent, and witnesses, as well as the evidence provided. The Investigative Report will include findings as to whether there is a preponderance of the evidence, that a violation of Policy 6.4 occurred.

The Investigator, may, regardless of a finding of responsibility, recommend to appropriate university officials and offices non-disciplinary measures to remediate and prevent any hostile environment. Such non-disciplinary measures may include, but are not limited to, continued supportive measures for the impacted parties, educational materials, and/or training for student groups as appropriate.



Additionally, the Investigator may refer the matter to the Office of Student Conduct and Community Standards (OSCCS) for an assessment of whether there has also been a potential violation of the Student Code of Conduct.

9 ADDITIONAL PROTECTIONS AND REMEDIES

9.1 New York State Student Bill of Rights

Available at <https://www.nysenate.gov/legislation/laws/EDN/6443>.

9.2 New York Human Rights Law

Available at <https://dhr.ny.gov/new-york-state-human-rights-law>

9.3 Title VI of the Civil Rights Act of 1964

The U.S. Department of Education’s (ED) Office for Civil Rights (OCR) enforces Title VI as it applies to programs or activities that receive financial assistance from ED. For more information visit <https://www.ed.gov/laws-and-policy/civil-rights-laws/race-color-and-national-origin-discrimination/education-and-title-vi>.

9.4 Title IX of the Education Amendments Act of 1972

The U.S. Department of Education’s (ED) Office for Civil Rights (OCR) enforces Title IX as it applies to programs or activities that receive financial assistance from ED. For more information, visit <https://www.ed.gov/> and <https://www2.ed.gov/about/offices/list/ocr/aboutocr.html>.

9.5 Section 504 of the Rehabilitation Act of 1973 (Section 504)

The U.S. Department of Education’s (ED) Office for Civil Rights (OCR) enforces Section 504 of the Rehabilitation Act of 1973 as it applies to programs or activities that receive financial assistance. For more information visit <https://www.ed.gov/laws-and-policy/civil-rights-laws/disability-discrimination>.

9.6 Cornell Student Code of Conduct

The Cornell Student Code of Conduct (“Code”) establishes Cornell’s expectations applicable to all students and recognized and registered student organizations (including fraternities and sororities) at Cornell’s Ithaca and Geneva campuses, and Cornell Tech. The Code is enforced by Cornell’s [Office of Student Conduct and Community Standards](#).

