



Cornell University Policy Office
policy.cornell.edu

Policy 6.4 Prohibited Bias, Discrimination, Harassment, and Sexual and Related Misconduct

1 Policy Introduction

Cornell University is committed to providing a safe, inclusive, and respectful learning, living, and working environment for its students, faculty, and staff. The university does not discriminate on the basis of protected status in the education programs and activities it operates, including admission and employment. To this end, the university provides means through this policy to address bias, discrimination, harassment, and sexual and related misconduct (which is considered a form of sex-based discrimination).

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, caregiver status, height, weight, and any other legally protected class.¹

2 To Whom This Policy Applies

Policy 6.4 applies to every Cornell University staff member, faculty, and student, as well as all activities undertaken by or on behalf of the university. Cornell University includes Weill Cornell Medicine (WCM) as well as all other Cornell locations.

3 Policy 6.4 Procedures

There are several distinct procedures and other mechanisms for reporting, investigating, and resolving matters under this policy, with each procedure designed to correspond best with different types of conduct and the university's different constituencies and legal obligations. In any given case, the applicable procedure depends upon both the conduct alleged, and the respondent's relationship with the university (student, faculty, staff, or third party).

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.

For All Units and Colleges Except Weill Cornell Medicine
Procedures for Resolution of Reports Against Students Under Cornell University Policy 6.4
Procedures for Resolution of Reports Against Employees Under Cornell University Policy 6.4 (Title IX Prohibited Conduct)
Procedures for Resolution of Reports Against Employees Under Cornell University Policy 6.4 (Non-Title IX Prohibited Conduct)

For All Weill Cornell Medicine Units
Procedures for Resolution of Reports Against Students (WCM) Under Cornell University Policy 6.4
Procedures for Resolution of Reports Against Employees (WCM) Under Cornell University Policy 6.4 (formerly included in WCM Interim Policy 206)

4 Policy Principles

The following principles are expected to be adhered to by all individuals to whom this policy applies:

4.1 Nondiscrimination: The university is committed to preventing, responding to, and remedying the effects of bias, discrimination, harassment, and sexual and related misconduct.

4.2 Protection Against Retaliation: The university is committed to protecting individuals from retaliation arising from engaging in protected activity under this policy.

4.2 Process: The university is also committed to providing prompt, fair, and impartial processes for all parties when prohibited conduct is alleged.

4.3 Privacy: To ensure the integrity of this policy and its applicable procedures (see [Procedures](#)), 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.

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.

4.4 Reporting: With the exception of Designated Reporters and supervisors and managers with a duty to report or respond per this policy, faculty or staff are not subject to a reporting obligation under this policy. (However, they may have reporting obligations under other policies or state or federal law.) Regardless, all employees (excluding confidential resources) are encouraged to report instances of violations of this policy to the Office of Institutional Equity and Title IX (“OIETIX”) or

WCM's Office of Institutional Equity ("OIE"). A report should include relevant known information including who was involved in an incident, what happened, and when and where it occurred.

When OIETIX or OIE receive a report of prohibited conduct, they will contact the complainant, if known, or another individual reporting the prohibited conduct to offer supportive measures.² 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.

4.5 Supervisor's and Manager's Duty to Respond to Harassment and Discrimination in the Workplace: Supervisory and managerial personnel must take all reasonable actions to report and respond immediately to any reports or observations of sexual harassment and/or discrimination that may impact an employee's working environment.

4.6 Designated Reporter's Duty to Report Sexual and Related Misconduct Involving Students: When Designated Reporters become aware of an alleged incident of sexual harassment (which includes sexual assault, dating violence, domestic violence, and stalking) that involves a student as either the complainant or respondent, they are obligated to report information they have to the Title IX Coordinator and to provide their contact information when making the report. Designated Reporters should 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, relaying information only as necessary for the Title IX Coordinator to respond and seek resolution as described in the Procedures.

The university has identified certain offices and employee positions as Designated Reporters. See the [List of Cornell Designated Reporters](#).

WCM's Designated Reporters are all employees holding the following titles: Practice Managers, Division or Department Administrators, Deans, Senior Associate Deans, Associate or Assistant Deans, Executive Vice Provost, Assistant Vice Provost, Assistant Deans, Chief Administrative Officers, Directors, Senior Directors, and any person who serves as the head of a department, unit, center, and/or institute.

4.7 How to Report a Concern

Concerns can be reported through the [University Guardian Reporting form](#).

Concerns can also be reported in person in Day Hall, Suite 500, via phone (607) 255-2242 or fax (607) 255-7481, or by email to titleix@cornell.edu for concerns related to sexual and related misconduct or equity@cornell.edu for concerns related to bias, discrimination, or harassment.

Concerns arising out of WCM can be reported directly to OIE in person at 575 Lexington Ave., 6th Floor, New York, NY 10022, via phone (718) 619-5527, by email at equity@med.cornell.edu, or via the [Complaint of Discrimination, Harassment, and/or Retaliation Form](#).

² 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 General Counsel, and subject-matter experts.

The [Cornell Ethics and Compliance Hotline](#) is the primary mechanism to confidentially or anonymously report ethics, integrity, or compliance concerns to the University.

[Other reporting options](#) are also available if a report implicates multiple concerns including those outside of Policy 6.4.

4.8 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 Police Department (19th Precinct): (212) 452-0600
- New York Presbyterian Hospital Security: (212) 746-0911
- New York State Police dedicated 24-hour hotline to report a sexual assault, dating violence, domestic violence, and stalking on campus: (844) 845-7269

4.9 Confidential Resources

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.

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 OIETIX 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.
- At Weill, the Student Mental Health Program, Employee Assistance Program, Student Ombudsman, and Faculty Ombudsman will not convey any personally identifiable information to OIE or any other university officials; however, they may share de-identified statistical or other information regarding prohibited conduct under this policy.
- The Cornell Victim Advocates, the professional staff of the Office of Spirituality and Meaning Making, Gender Equity Resource Center, LGBT Resource Center, and the Ombudsman will not convey any personally identifiable information to OIETIX or any other university officials; however, they may share de-identified statistical or other information regarding prohibited conduct under this policy.

- The Advocacy Center of Tompkins County is independent of Cornell and has no duty to consult with the university.
- The NYP Victim Intervention Program is independent of Cornell and has no duty to consult with the university.

For information about confidential resources and support for individuals who have experienced or been accused of harm, please see the complete list of [resources for support](#).

5 Responsibilities

5.1 Responsible Offices and Officials:

Office of Institutional Equity and Title IX: OIETIX is responsible for enforcing 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 accompanying procedures, which includes conducting investigations of formal complaints against students, faculty, and staff.

Title IX Coordinator: The Title IX Coordinator is 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.

Weill Cornell Medicine Office of Institutional Equity: OIE is responsible for enforcing 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 accompanying procedures, which includes conducting investigations of formal complaints against students, faculty, and staff for Weill Cornell Medicine.

Weill Cornell Medicine Title IX Coordinator: The Title IX Coordinator is 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 for Weill Cornell Medicine.

5.2 Other Relevant University Offices and Officials (University Management):

Office of Student Conduct and Community Standards ("OSCCS"): OSCCS is responsible for educating Ithaca-based students (including Cornell Tech) students about behavioral expectations and for maintaining disciplinary records of all Policy 6.4 matters under the Procedures for Resolution of Reports Against Students.

Department of Athletics and Physical Education: The Department of Athletics and Physical Education is responsible for receiving questions and concerns about, and reports of, discrimination in participation in intercollegiate athletics.

Bias Assessment and Review Team ("BART"): BART is responsible for receiving and reviewing reports of bias.

Senior Woman Administrator: The Senior Woman Administrator is responsible for receiving complaints, reports, and concerns regarding Participation in Intercollegiate Athletics Title IX Claims.

Teacher-Learner Committee at WCM: The Teacher-Learner Committee is the body charged with monitoring, reviewing, investigating, and aiding in the resolution of student mistreatment issues at the Medical College.

5.3 Individuals: Each Cornell University staff member, faculty, and student, is responsible for reading and abiding by this policy and the processes and procedures set forth in the Procedures for Resolutions of Reports Against Students, Employees (Title IX Prohibited Conduct), and Employees (Non-Title IX Prohibited Conduct), any related procedures or programs, consulting OIETIX or OIE at WCM when questions arise, and completing required trainings. Supervisors, managers, and those who are Designated Reporters have enhanced reporting responsibilities. See Section 4.

6 Record Retention

Records associated with this policy shall be maintained by the Unit engaging in the activity. Records shall be retained or disposed of in accordance with [University Policy 4.7, Retention of University Records](#).

7 Compliance

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, but are not limited to 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), Title VI of the Civil Rights Act of 1964 (Title VI), Section 504 of the Rehabilitation Act (Section 504), the Americans with Disability Act, 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, New York City Administrative Code § 8-101 *et seq.*, and the Tompkins County Human Rights Law. The requirement not to discriminate on the basis of sex in the education program or activity that Cornell University operates is required by Title IX The requirement not to discriminate on the basis of race, color, or national origin in the education program or activity that Cornell University operates is required by Title VI The requirement not to discriminate on the basis of disability in the education program or activity that Cornell operates is required by Section 504. Inquiries about the application of Title IX to students may be referred to the university's Title IX Coordinator, the Assistant Secretary of the U.S. Department of Education, or both. Inquiries about the application of Title VI and Section 504 to students may be referred to the OIETIX, the Assistant Secretary of the U.S. Department of Education, or both.

8 Special Provisions Related to Students

8.1 Drug and Alcohol Amnesty: 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 the applicable 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 the applicable procedures to a Cornell official or to law enforcement shall not be subject to action under the university's Student Code of Conduct (or under applicable provisions of WCM's student handbooks) 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.

8.2 New York State Student Bill of Rights:

With respect to sexual assault, dating violence, domestic violence and stalking as defined in the applicable Procedures, 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, stalking, and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by Cornell;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from Cornell courteous, fair, and respectful health care and counseling services, where available;
6. Be free from any suggestion that a complainant is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
7. Describe the incident to as few Cornell representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by Cornell, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of Cornell;
9. Access to at least one level of appeal of a determination;
10. Be accompanied by an adviser of choice who may assist and advise a complainant, accused, or respondent throughout the judicial or conduct 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.

9 Related Resources

9.1: Resources for Support: For individuals who have experienced or been accused of harm, please see the complete list of [resources for support](#).

9.2: Relevant University Policies and Information:

University Policy 4.7, Retention of University Records
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 Opportunity and Affirmative Action
Faculty Grievance Policies
Student Code of Conduct
Collective Bargaining Unit Contracts
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
Sexual Harassment and Assault Response and Education (SHARE)
Student Disability Services
Weill Cornell Medicine Student Disability Services
Student Employment Policies of the Office of Financial Aid and Student Employment
Weill Cornell Medicine Office of Institutional Equity

10 Definitions

Term	Definition
Bias Activity	Action taken that one could reasonably and prudently conclude is motivated, in whole or in part, by the alleged offender’s bias against an actual or perceived aspect of diversity, including, but not limited to membership in an Equal Education and Employment Opportunity (EEEE) protected class (e.g., disability, race, sex, gender identity).
Complainant	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>).
Education Program or Activity	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.
Equal Education and Employment	Identities protected under federal, state, and local equal education and employment laws and regulations. These include race, ethnic or national

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Last updated: December 20, 2023

Opportunity (EEEE) - Protected Status	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. These identities are interpreted consistent with the definitions set forth in the applicable federal, state, and local equal education and employment laws and regulations.
Faculty	Person who holds appointment to an academic title (as specified in the Bylaws of Cornell University, Article XVII).
Formal Complaint	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.
Investigation	Systematic inquiry into a formal complaint.
Preponderance of Evidence	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 engaged in the alleged prohibited conduct.
Procedural Advisor	Person chosen by a party 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. 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, student complainants and respondents.
Prohibited Conduct	Conduct that constitutes a violation of this policy, including discrimination, protected status harassment, retaliation, and sexual misconduct. See the Procedures section for the different types of prohibited conduct corresponding with the university's different constituencies and legal requirements.
Report	An account of an incident of prohibited conduct made to the university. Ideally, a report should include information about who was involved in an incident, what happened, and when and where it occurred.
Respondent	Person against whom a report or formal complaint of prohibited conduct under this policy is made. (Compare <i>Complainant</i>).
Sanction	Disciplinary action imposed on an individual after a finding of responsibility. Sanctions are set forth in the applicable procedures.
Staff	Employee of Cornell University on any campus who does not meet the definition of faculty. A student who has an employment role who is acting in the scope of their employment will be considered a staff member under this policy.
Student	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-

	<p>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>
Supportive Measures	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.

11 Responsible Office and Policy Administration

Policy Clarification and Interpretation	Contact	Phone	Email/Web Address
Cornell University	Office of Institutional Equity and Title IX	(607) 255-2242	titleix@cornell.edu equity@cornell.edu
Weill Cornell Medicine	Office of Institutional Equity	(718) 619-5527	equity@med.cornell.edu
Unit	Title		
Human Resources	Vice President and Chief Human Resources Officer		
Office of the Provost	Provost		
Student & Campus Life	Vice President for Student & Campus Life		

12 Revision History

Date	Summary of Revisions
Originally Issued:	July 8, 1996
Current Version Approved:	October 16, 2023
Last Updated:	December 20, 2023
Revision notes:	Updated the University Guardian Reporting Form link on page 3 in Section 4.7.