

# Responding to a Complaint of Sexual Assault, Sexual Harassment, or Other Prohibited Conduct

This summary briefly outlines some of the procedures and resources you should know about when responding to a complaint of sexual assault or harassment, or other forms of prohibited conduct under Policy 6.4 (“prohibited conduct”), see **policy.cornell.edu/6.4**. Respondents in these matters are considered “not responsible” until a finding of responsibility is made pursuant to Policy 6.4.

## Frequently Asked Questions

- **With whom may I consult?**
  - For confidential support, you may contact Faculty and Staff Assistance Program (“FSAP;” 607.255.2673); the University Ombudsman (607.255.4321) or CURW (pastoral counseling; 607.255.6002).
  - For advice about the complaint, the investigation and the process, you may consult with an advisor of your choice, including a private attorney. You are entitled to the advice of law students in the Office of Judicial Codes Counselor (cornelljcc@gmail.com), a service that is free of charge. An advisor of your choice may accompany you to meetings and interviews; however, your advisor may not answer questions for you, make objections, or pose questions to you or to others.
  - To learn more about the process and Cornell Policy 6.4, contact either Laurie Johnston (Deputy Title IX Coordinator for Faculty and Staff; 607.255.6866; lmj6@cornell.edu) or Laurel Parker (EEO Consultant; 607.254.7232; lkp5@cornell.edu) in the office of Workforce Policy and Labor Relations (WPLR) or a Discrimination and Harassment Advisor (hr.cornell.edu/diversity.reporting/harassment\_discrimination.html)
- **Who will notify me if a formal complaint has been filed against me?** You will be notified by WPLR if there is a request for a formal investigation. In addition, you may be contacted separately by Cornell Police or by other local police if there is a criminal investigation.
- **Who will notify me if there are allegations but no formal complaint?** If no formal complaint is filed, but Cornell becomes aware of allegations that are concerning to the employment and/ or educational environment, your HR representative or other appropriate University official may contact you to discuss the allegations, give you a chance to respond, review next steps and ensure you have accurate information about Cornell policies. You may be required to refrain from contacting the person who raised the allegations and to cooperate with any changes made to ensure that both parties have a safe employment or educational environment.
- **What does the formal process require?** The process requires a written complaint that describes the alleged act(s), identification of the person(s) allegedly responsible, the date or approximate date on which the incident occurred. WPLR will then investigate the complaint by interviewing you and the complainant and any others involved or who might have information. WPLR will also review any relevant documents. A report will be made either to your Dean or the Vice President in charge of your unit. Before the Dean or Vice President reaches a decision, you will be provided with a copy of the report and have the opportunity to comment, including requesting additional investigation.
- **What can happen while the complaint is pending and before it is decided.** While the complaint is pending, you may be subject to interim measures to ensure the well-being of everyone involved in the investigation. This may include separation from the person filing the complaint (e.g., in the classroom or work environment), an order not to contact the complainant, a change in schedules or being placed on paid administrative leave.
- **When can a formal complaint be filed?** A complaint can be filed against you within six (6) months of the incident, unless it arises out a faculty-student supervisory relationship. In that case, the student may file a complaint one year after he or she is no longer under the faculty’s supervision or three years from the date of the alleged conduct, whichever is earlier.



- **In addition to participating in the investigation, are there any expectations of me?** You should understand that Policy 6.4 prohibits any act of retaliation by you or anyone acting on your behalf against an individual who files a complaint against you. You are subject to discipline in the event such retaliation occurs.
- **How confidential will the complaint be?** Only those who need to be involved will be contacted. WPLR, and when a faculty member is involved, the faculty co-investigator will maintain confidentiality to extent possible and consistent with the requirements of Title IX, if allegations of Title IX are at issue.
- **What are the possible outcomes of a formal complaint?** If there is determination after the investigation that you are responsible for prohibited conduct, WPLR will recommend discipline, training and other types of sanctions to the VP or the Dean. Before the Dean or the VP issues a decision, both parties have the opportunity to review the report, including the proposed sanctions and provide comments.
- **Can I appeal?** A staff member may appeal the VP's decision to the Vice President for Human Resources. A faculty member may request a review of the decision to the Dean or if conduct involves academic freedom or a supervisory relationship between a student and faculty member, he or she may request review by the Committee on Academic Freedom and Professional Status of the Faculty.
- **Can someone pursue a criminal complaint against me in addition to, or in place of a complaint under Policy 6.4?** A criminal complaint is always an option whether or not the complainant decides to file a Policy 6.4 complaint.

## Resources

### Discuss Your Options

- Title IX Office 607.255.2242; titleIX.cornell.edu
- Workforce Policy and Labor Relations 607.254.7232; equalopportunity@cornell.edu
- Office of Judicial Codes Counselor cornelljcc@gmail.com

### Confidential Support

- Ombudsman 607. 255.4321
- Faculty Staff Assistance Program (FSAP) 607.255.2673 (COPE)

### Websites

- University Policy 6.4, Prohibited Discrimination, Protected-Status Harassment, Sexual Harassment, Sexual Assault and Violence [policy.cornell.edu/6.4](http://policy.cornell.edu/6.4)
- Sexual Harassment & Assault – Response & Education [SHARE.cornell.edu](http://SHARE.cornell.edu)
- Faculty Staff Assistance Program (FSAP) [fsap.cornell.edu](http://fsap.cornell.edu)
- Harassment and Discrimination [hr.cornell.edu/diversity/reporting/harassment\\_discrimination.html](http://hr.cornell.edu/diversity/reporting/harassment_discrimination.html)

### Required Training

**Building a Culture of Respect at Cornell:** Cornell has developed a valuable online program, “Building a Culture of Respect: Responding to Sexual Violence, Harassment, and Discrimination.” This program addresses how to respond should faculty or staff learn a member of our community has experienced any type of sexual violence or stalking. It also lets faculty and staff know how to file a complaint. Federal law now requires all faculty and staff to receive information about sexual assault/violence, domestic violence, dating violence (also known as intimate partner violence), and stalking prevention and response.

For information about the program and instructions to access the course after your start date, please visit: [https://www.hr.cornell.edu/life/career/respect\\_cornell.html](https://www.hr.cornell.edu/life/career/respect_cornell.html)