

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

This summary outlines the procedures and resources 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 Shan Varma (Associate Director, WPLR; 607.255.0290; sv92@cornell.edu) in the Workforce Policy and Labor Relations office (WPLR) or a Discrimination and Harassment Advisor (<https://hr.cornell.edu/our-culture-diversity/diversity-inclusion/harassment-discrimination-and-bias-reporting/advisors>)
- **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 private 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 privacy to the extent possible.
- **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 607.255.0290; equalopportunity@cornell.edu
- Office of Judicial Codes Counselor cornelljcc@gmail.com

Confidential Support

- Ombudsman 607. 255.4321; ombudsman.cornell.edu
- Faculty Staff Assistance Program (FSAP) 607.255.2673; fsap.cornell.edu
- Cornell United Religious Work (CURW) 607.255.4214; curw.cornell.edu

Websites

- University Policy 6.4, Prohibited Discrimination, Protected-Status Harassment, Sexual Harassment, Sexual Assault and Violence policy.cornell.edu/6.4
- Sexual Harassment & Assault – Response & Education SHARE.cornell.edu
- Harassment and Discrimination hr.cornell.edu/diversity/reporting/harassment_discrimination.html

Required Training

Respect@Cornell: Addressing Sexual Violence and Sexual Harassment: Cornell requires faculty and staff to participate in an on-line training (Respect@Cornell: Addressing Sexual Violence and Sexual Harassment). This program provides information to faculty and staff on how to respond if they learn a member of our community has experienced any type of sexual assault/ violence, domestic violence, dating violence (also known as intimate partner violence) and stalking. For information about the program and instructions to access the course, please visit: <https://hr.cornell.edu/our-culture-diversity/diversity-inclusion/building-culture-respect>.